

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:

May 8, 2018

Clarksburg Middle School ♦ 52870 Netherlands, Clarksburg, 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 Fernandez ____; Member Olson ____; Member Riley ____; Member Donnelly ____;
Member Elliott ____; 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 Fernandez
 - 6.1 Closed Session action taken, if any.
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 – Reports and/or Presentation(s) –
 - 9.3.1 Educational Services and Special Education Updates – Kathy Wright
 - 9.4 River Delta Unified Teacher's Association (RDUTA) Update:
 - 9.5 California State Employee's Association (CSEA) Chapter #319 Update:
10. **Consent Calendar**
 - 10.1 Approve Board Minutes
Regular Meeting of the Board, April 10, 2018
 - 10.2 Receive and Approve Monthly Personnel Reports
As of May 8, 2018
 - 10.3 District's Monthly Expenditure Report
April 2018
 - 10.4 Request approval for Vicky Turk, Noelle Gomes and Stacy Knisley as Rio Vista High School's Representative to the CIF League for 2018-2019 and Laura Uslan and Katherine Ingalls as Delta High School's Representative to the CIF League for 2018-2019 – Vicky Turk and Laura Uslan
 - 10.5 Request approval for site principals at Delta High and Rio Vista High Schools to authorize and approve overnight travel within the State of California for athletic and academic programs for the 2018-2019 school year – Vicky Turk and Laura Uslan
 - 10.6 Request to approve the Service Contract with Ryland School Business Consulting for various Financial and Business Office Services, Not exceed \$8,000 – Unrestricted General Funds – Elizabeth Keema-Aston

- 10.7 Request to declare as surplus D.H. White Elementary School's non-operable technology equipment from inventory and deem its value as zero –Nick Casey
- 10.8 Request to approve three fundraising events at Delta High School; “Shaved Ice” to benefit Varsity Football and Baseball Programs; “Youth Football Camp” to benefit Football Programs; and “AFS Club Donation Letters” to benefit AFS Club – Laura Uslan
- 10.9 Request to approve the leave of absence made by Betzabel Ortiz-Shelton – Bonnie Kauzlarich
- 10.10 Request to approve the leave of absence made by Megan Davis – Bonnie Kauzlarich
- 10.11 Donations to Receive and Acknowledge:

Rio Vista High School – Class of 1968 Scholarship Fund

- William Redding - \$100
- Alan Andrew - \$200
- Jerrie J. Giovannoni - \$200
- Kimberly A. Korth - \$100
- Susan B. Gascoigne - \$500
- Jeffrey C. Dasch - \$1,000
- Kathryn Cairns - \$100
- David Silva - \$ 300
- Rhonda (Maneely) Graves - \$25
- Pamela Everitt - \$100
- Charles Wayne Nelson - \$500

D.H. White Elementary School – ChromeBooks

Rio Vista Foundation - \$2,775

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. Request to approve the *First* reading of the updated or new Board Policies, Administrative Regulations and or Exhibits due to new legislations or mandated language and citation revisions as of March 2018 and revised AR 5121– Don Beno

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 12. Request for the approval of Resolution # 747 Authorizing FY 2017-2018 expenditures from Educational Protection Act Funds (Proposition 30) – Elizabeth Keema-Aston

Motioned: _____ Second: _____

Roll Call Vote: Member Fernandez ___; Member Olson ___; Member Riley ___; Member Donnelly ___; Member Elliott ___; Member Bettencourt ___; Vote: _____

- 13. Request to approve and adopt the tentative agreement between River Delta Unified Teacher’s Association and the River Delta Unified School District for 2017-2018– Don Beno

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 14. Request to Award Bid and approve a budget of \$941,259 and to authorize the Superintendent to finalize contracts and alternate bid items with D7 Roofing Services Inc. of Sacramento, CA for Roofing and Gutter Systems at Delta High School, Walnut Grove Elementary School, Isleton Elementary School, and Rio Vista High School – Don Beno

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 15. Request to approve the First 5 School Readiness Contract Extension for fiscal years 2018-2021 – Carrie Norris

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 16. Request to approve the proposed rate increase for paid lunches in FY 2018-2019 due to United States Department of Agriculture (USDA) mandates by \$.10 and an increase for paid breakfasts by \$.25 – Elizabeth Keema-Aston

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 17. Request to approve a salary increase of \$1.00 per hour for the After School Site Coordinator who are currently employed on the date of Board Approval, retroactive to August 9, 2017 or their first day of work if hired after August 9, 2017 – Kathy Wright

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

- 18. Request to approve the multi year agreement with Nicolay Consulting Group to conduct an Actuarial Valuation of Post Retirement Benefits for an amount not to exceed \$11,000 – Elizabeth Keema-Aston

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____

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

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

- 21. Adjournment

Motioned: _____ Second: _____ Ayes: _____ Noes: _____ Absent: _____ Abstentions: _____ Time: _____

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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, May 4, 2018, 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:

May 8, 2018

Clarksburg Middle School ♦ 52870 Netherlands, Clarksburg, 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 May 8, 2018, at the Clarksburg Middle School, Clarksburg, 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)]. -

4.1.1 Expulsion Admittance - student case# 1718-311-003

4.2 Possible or Pending Litigation [Government Code 54956.9(a)(b)(c)]

Following Conference with Legal Counsel Following Conference with Legal Counsel (Parker & Covert, LLC; Girard, Edwards, Stevens & Tucker LLP) - 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 (Parker & Covert, LLC; Girard, Edwards, Stevens & Tucker LLP)

Public Employee(s) Evaluation:

4.3.1 Certificated

4.3.2 Classified

4.3.3 Public Employee(s) Searches, Appointment, Employment conditions

4.3.4 Complaint, Discipline, Dismissal, Non-Reelects, & Releases

4.3.5 Employee/Employer Negotiations [Government Code Section 3549.1 and 54957.6] Following negotiation meetings any/all units.

4.3.5.1 Superintendent

4.3.5.2 Administration

4.3.5.3 Confidential

4.3.5.4 RDUTA

4.3.5.5 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: _____ Time: _____



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

BOARD AGENDA BRIEFING

Meeting Date:	May 8, 2018	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 (April Month 9)	Action Item: <u> </u>
		Consent Action: <u> </u>
		Information Only: <u> x </u>

Background: Each month district staff compiles attendance and enrollment data for all school sites. The attached summary shows comparative enrollment and ADA for *2016-2017 and 2017-2018*. 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 15 students*** compared to the same month last year, decreasing from 1,920 to 1,905. (Does not include Adult Ed)

District-wide enrollment ***increased by 1 student*** compared to last month (*March*), increasing from 1,904 to 1,905. (Does not include Adult Ed)

District-wide attendance ***Increased 9 ADA*** compared to last month (*March*), 1,794 to 1,803. (Does not include Adult Ed)

Prepared by: Elvia Navarro, Accounting Specialist

Presenter: Elizabeth Keema-Aston, Chief Business Officer

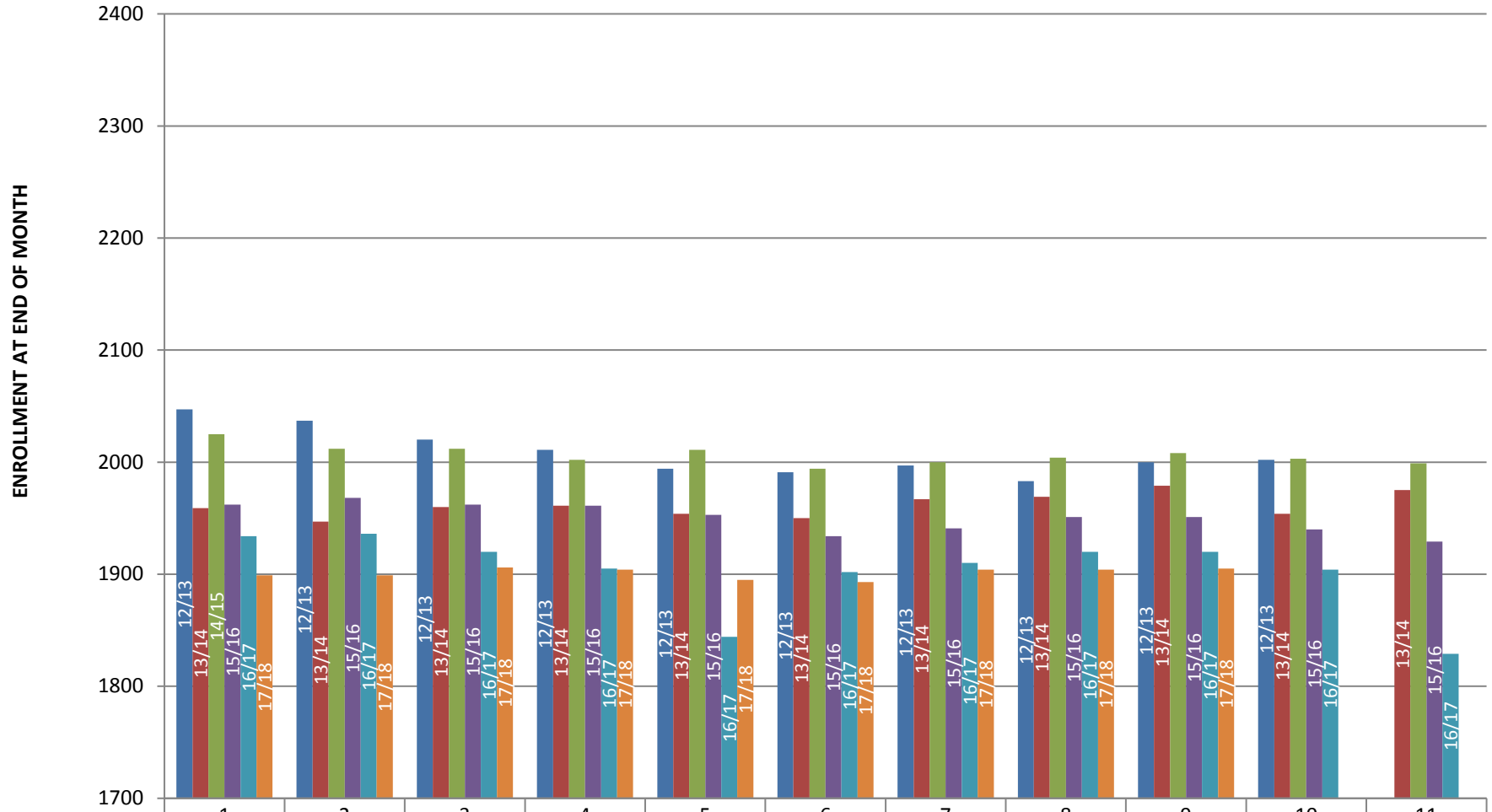
Recommendation:

That the Board receives the information presented.

SITE		AUG	AUG	% of ADA		SEPT	SEPT	Incr/Decr From Pr Month	% of ADA	OCT	OCT	Incr/Decr From Pr Month	% of ADA	NOV	NOV	Incr/Decr From Pr Month	% of ADA	DEC	DEC	Incr/Decr From Pr Month	% of ADA	JAN	JAN	Incr/Decr From Pr Month	% of ADA	FEB	FEB
		16-17	17-18			16-17	17-18			16-17	17-18			16-17	17-18			16-17	17-18			16-17	17-18			16-17	17-18
BATES	ENR	151	136	97.8%		153	132	-4	100.0%	148	137	5	94.9%	149	137	0		137	129	-8	102.3%	148	136	7		152	137
	ADA	149	133			147	132			146	130			143	134			146	132			148	133			139	133
CLARKSBURG (7th & 8th Gr)	ENR	177	197	98.0%		176	197	0	97.5%	172	197	0	97.0%	171	194	-3		165	197	3	94.9%	172	196	-1		174	197
	ADA	171	193			171	192			168	191			165	191			165	187			160	185			167	189
ISLETON	ENR	173	159	96.2%		176	158	-1	95.6%	173	162	4	95.7%	172	161	-1		170	162	1	93.8%	171	164	2		169	166
	ADA	166	153			167	151			166	155			165	155			162	152			159	148			160	155
RIVERVIEW	ENR	244	231	97.8%		245	230	-1	96.1%	244	231	1	94.4%	242	231	0		242	230	-1	95.7%	243	230	0		245	229
	ADA	236	226			237	221			232	218			232	221			231	220			221	214			234	216
WALNUT GROVE	ENR	168	163	96.9%		170	164	1	96.3%	170	166	2	95.8%	168	165	-1		167	162	-3	96.3%	170	167	5		169	166
	ADA	165	158			162	158			161	159			164	158			160	156			151	159			157	160
D.H. WHITE	ENR	363	352	94.0%		359	353	1	95.5%	354	349	-4	95.1%	352	356	7		338	335	-21	98.8%	345	348	13		347	350
	ADA	345	331			340	337			339	332			338	334			328	331			317	331			322	332
ELEMENTARY SUB TOTAL	ENR	1,276	1,238			1,279	1,234	-4		1,261	1,242	8		1,254	1,244	2		1,219	1,215	-29		1,249	1,241	26		1,256	1,245
	ADA	1,232	1,194			1,224	1,191			1,212	1,185			1,207	1,193			1,192	1,178			1,147	1,170			1,186	1,186
CLARKSBURG (9th Grade)	ENR	58	80	98.8%		58	80	0	97.5%	58	79	-1	98.7%	58	79	0		55	81	2	95.1%	57	80	-1		57	80
	ADA	57	79			56	78			57	78			56	74			56	77			51	68			55	76
DELTA HIGH	ENR	190	162	98.8%		190	164	2	95.7%	189	165	1	95.2%	188	164	-1		177	166	2	94.0%	189	161	-5		187	166
	ADA	185	160			182	157			181	157			180	158			179	156			174	149			174	156
RIO VISTA HIGH	ENR	377	386	96.4%		373	385	-1	95.6%	381	387	2	94.8%	370	381	-6		363	368	-13	99.2%	373	376	8		376	380
	ADA	365	372			360	368			361	367			357	366			357	365			345	361			352	357
HIGH SCHOOL SUB TOTAL	ENR	625	628			621	629	1		628	631	2		616	624	-7		595	615	-9		619	617	2		620	626
	ADA	607	611			598	603			599	602			593	598			592	598			570	578			581	589
Mokelumne High (Continuation)	ENR	18	15			17	14	-1		12	12	-2		13	14	2		9	12	-2		11	14	2		12	13
	ADA	15	12			13	12			9	10			11	12			10	12			7	11			9	12
River Delta High/Elem (Alternative)	ENR	10	14			15	18	4		14	17	-1		16	18	1		16	17	-1		17	17	0		18	16
	ADA	9	11			10	11			9	13			10	14			12	16			11	13			13	13
Community Day	ENR	5	4			4	4	0		5	4	0		6	4	0		5	3	-1		6	3	0		4	3
	ADA	4	3			4	4			4	4			5	4			5	4			5	2			4	3
TOTAL K-12 LCFF Funded	ENR	1,934	1,899			1,936	1,899	0		1,920	1,906	7		1,905	1,904	-2		1,844	1,862	-42		1,902	1,892	30		1,910	1,903
	ADA	1,867	1,831			1,849	1,821			1,833	1,814			1,826	1,821			1,811	1,808			1,740	1,774			1,793	1,803
Wind River- Adult Ed	ENR	13	0			19	40	40		30	48	8		31	53	5		25	53	0		27	55	2		33	57
TOTAL DISTRICT	ENR	1,947	1,899			1,955	1,939	40		1,950	1,954	15		1,936	1,957	3		1,869	1,915	-42		1,929	1,947	32		1,943	1,960

SITE	Incr/Decr From Pr Month	%	MAR		Incr/Decr From Pr Month	%	APR		Incr/Decr From Pr Month	%	
			16-17	17-18			16-17	17-18			
BATES	ENR	1		151	137	0		152	133	-4	
	ADA		97.8%	146	133		97.1%	147	130		97.7%
CLARKSBURG (7th & 8th Gr)	ENR	1		174	196	-1		174	196	0	
	ADA		95.9%	166	189		96.4%	169	189		96.4%
ISLETON	ENR	2		168	167	1		170	165	-2	
	ADA		93.4%	161	158		94.6%	163	158		95.8%
RIVERVIEW	ENR	-1		247	229	0		247	234	5	
	ADA		94.3%	235	217		94.8%	241	220		94.0%
WALNUT GROVE	ENR	-1		171	169	3		172	170	1	
	ADA		96.4%	164	159		94.1%	164	162		95.3%
D.H. WHITE	ENR	2		355	352	2		354	357	5	
	ADA		94.9%	330	327		92.9%	336	334		93.6%
ELEMENTARY SUB TOTAL	ENR	4		1,266	1,250	5		1,269	1,255	5	
	ADA			1,202	1,183			1,220	1,193		
CLARKSBURG (9th Grade)	ENR	0		57	80	0		57	79	-1	
	ADA		95.0%	55	77		96.3%	55	77		97.5%
DELTA HIGH	ENR	5		184	165	-1		183	165	0	
	ADA		94.0%	174	157		95.2%	174	155		93.9%
RIO VISTA HIGH	ENR	4		374	375	-5		374	373	-2	
	ADA		93.9%	357	350		93.3%	349	352		94.4%
HIGH SCHOOL SUB TOTAL	ENR	9		615	620	-6		614	617	-3	
	ADA			586	584			578	584		
Mokelumne High (Continuation)	ENR	-1		15	13	0		14	12	-1	
	ADA			12	11			12	11		
River Delta High/Elem (Alternative)	ENR	-1		20	17	1		19	18	1	
	ADA			15	13			14	12		
Community Day	ENR	0		4	4	1		4	3	-1	
	ADA			5	3			4	3		
TOTAL K-12 LCFF Funded	ENR	11		1,920	1,904	1		1,920	1,905	1	
	ADA			1,820	1,794			1,828	1,803		
Wind River- Adult Ed	ENR	2		47	58	1		47	58	0	
TOTAL DISTRICT	ENR	13		1,967	1,962	2		1,967	1,963	1	

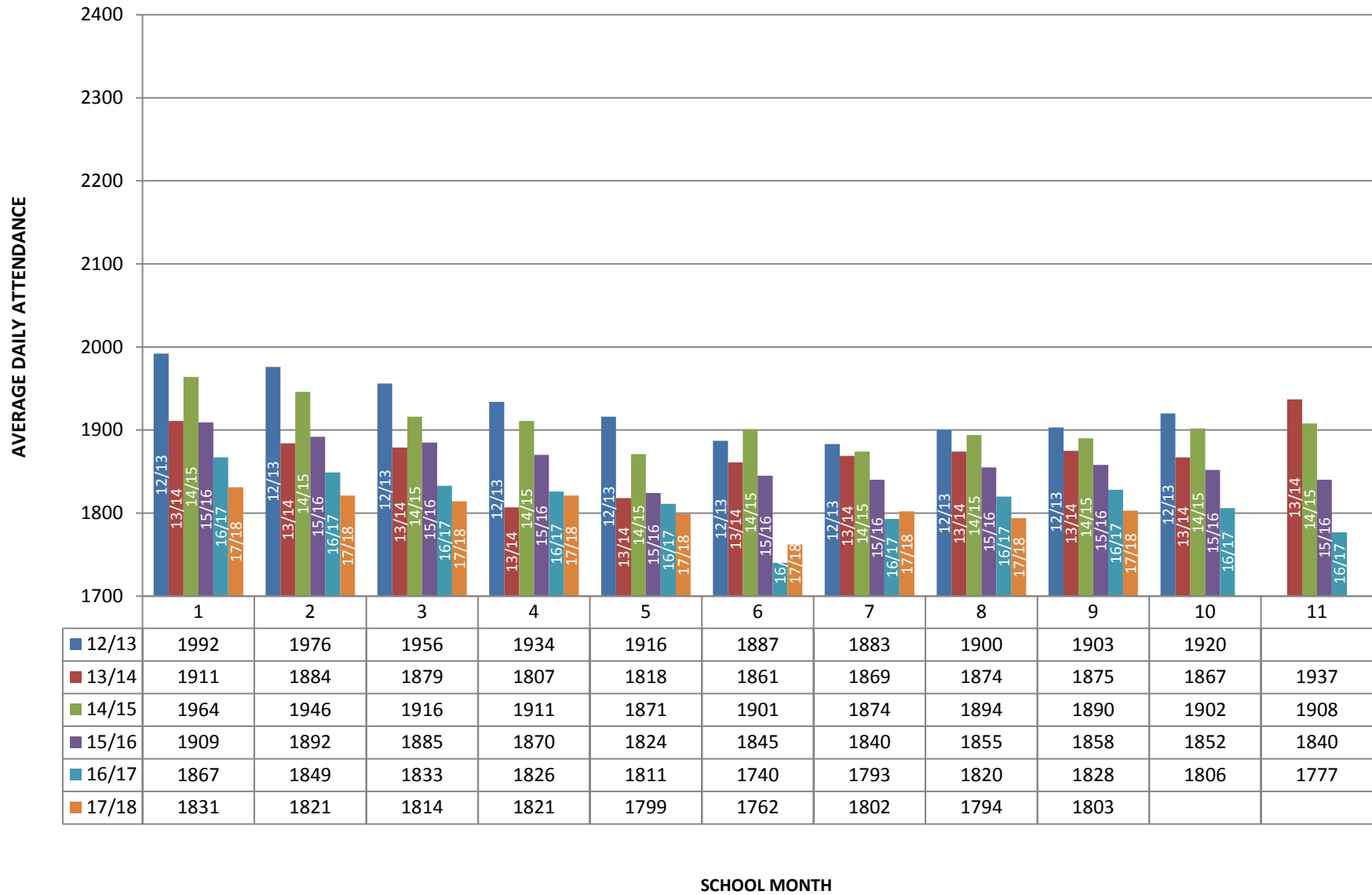
ENROLLMENT



	1	2	3	4	5	6	7	8	9	10	11
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	1962	1961	1953	1934	1941	1951	1951	1940	1929
16/17	1934	1936	1920	1905	1844	1902	1910	1920	1920	1904	1829
17/18	1899	1899	1906	1904	1895	1893	1904	1904	1905		

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: May 8, 2018 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
 2017-18 Working Budget vs. Actuals Report
 April 30, 2018

Working Budget						Actuals thru: 3/31/2018					
	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)	
					(G/B=H)				(I/C=J)		
General Fund: (01)											
Unrestricted	4,726,917	15,649,506	16,236,169	4,140,254	17,240,945	1,583,363	15,657,582	100.05%	12,247,974	75.44%	
Restricted	1,017,689	7,266,675	8,161,512	122,852	2,245,890		2,245,890	30.91%	4,727,163	57.92%	
Combined	5,744,606	22,916,181	24,397,681	4,263,106	19,486,835	1,583,363	17,903,472	78.13%	16,975,137	69.58%	
<i>Dry Period Financing</i>					-		-				
General Fund - Fund Balance % 17.47% <i>Represents Ending Balances divided by Budget Expenses (D/C)</i>											
Other Funds											
Adult Ed. (11)	20,229	80,771	100,999	1	60,949		60,949	75.46%	55,616	55.07%	
Child Development (12)	-	274,455	274,455	-	145,213		145,213	52.91%	156,973	57.19%	
Cafeteria (13)	103,719	1,010,635	995,056	119,298	624,913		624,913	61.83%	660,985	66.43%	
Sp. Res-Other than Cap. Outlay (17)	68,125	468	-	68,593	468		468	100.00%	-	0.00%	
Bond Fund (21)	844,308	35,500	25,500	854,308	31,070		31,070	87.52%	-	0.00%	
Bond Fund- SFID #1 South (22)	118,117	756	23,600	95,273	756		756	100.00%	14,222	60.26%	
Bond Fund - SFID #2 North (23)	55,831	326	23,200	32,957	326		326	100.00%	16,108	69.43%	
Developer Fees (25)	40,933	493,083	252,800	281,216	342,440		342,440	69.45%	244,286	96.63%	
County School Facilities (35)	3,197	12	-	3,209	12		12	100.00%	-	0.00%	
Capital Projects (49)	32,289	214	8,640	23,863	214		214	100.00%	7,245	83.86%	

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

BOARD AGENDA BRIEFING

Meeting Date: 5-8-18
From: Craig Hamblin, Director of MOT

Attachments: ___X___

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 April 2018

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
May 8, 2018

Routine maintenance, repairs and custodial duties at all school sites and district office were completed. Other non-routine projects have been captured below.

Maintenance & Operations:

- **Bates Elementary School**
 - Mowed lawns, trimmed edges and removed weeds - \$136.98
- **Clarksburg Middle School**
 - Installed new batteries and bulbs on 7 backup lights in hallways - \$236.11
- **Delta High School**
 - Replaced boards on baseball field bleachers - \$562.76
 - Repaired AC unit in Administration Building - \$547.56
 - Repaired AC unit in Room A706 - \$488.57
- **D.H. White Elementary School**
 - Cleaned HVAC condensers on A Building - \$129.42
 - Changed ballasts and bulbs in several rooms - \$1,171.02
 - Installed new compressor on AC unit in Room 16 - \$1,944.30
 - Installed new thermostat in Room 15 - \$589.45
- **Isleton Elementary School**
 - Lined field for soccer game - \$259.12
 - Lined small field behind office for soccer game - \$171.90
 - Repaired key pad in control compartment on chiller - \$100.22
- **Rio Vista High School**
 - Repaired bell system - \$136.98
 - Repaired PA system - \$136.98
 - Repaired phones for Secretary and TA - \$205.20
 - Plugged hole where bats were entering in E Building - \$137.52
- **Riverview Middle School**
 - Lined field for soccer game - \$184.28
 - Repaired handrail between classroom building and portables - \$109.94
 - Switched boiler to chiller - \$100.22
 - Repaired countertop in Art Room - \$174.69
- **Walnut Grove Elementary School**
 - Mowed field and lined for soccer game - \$204.55
- **District Wide**
 - Mounted tires on T-35 - \$318.32

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

445 Montezuma Street
Rio Vista, CA 94571-1651



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: ___x___

From: Don Beno, Superintendent

Item Number: 10.1

SUBJECT Request to approve the minutes from the Board
of Trustee's meeting held on April 10, 2018.

Action: _____
Consent Action: x____
Information Only: _____

Background:

Attached are the minutes from the Board of Trustee's meeting held
on: April 10, 2018

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

April 10, 2018

1. **Call Open Session to Order** – Board Vice President Olson called the Open Session of the meeting of the Board of Trustees to order at 5:31 p.m. on April 10, 2018, at Bates Elementary School, Courtland, California.
2. **Roll Call of Members:**
 - Alicia Fernandez, President (Arrived 6:40pm)
 - Don Olson, Vice President
 - Marilyn Riley, Clerk
 - Sarah Donnelly, Member
 - Chris Elliott, Member
 - Katy Maghoney, Member
 - David Bettencourt, Member

Also present: Don Beno, Superintendent
3. **Review, Approve the Closed Session Agenda and Adjourn to Closed Session**
 - 3.1 Board Vice President Olson announced items on the Closed Session Agenda.
 - 3.2 Public Comment on Closed Session Agenda Items. – *None to report*
 - 3.3 Approve Closed Session Agenda and Adjourn to the **Closed Session**
4. Board Vice President Olson asked for a motion to adjourn the meeting to Closed Session @ 5:36 pm
Member Riley moved to approve, Member Donnelly seconded. Motion carried 6 (Ayes: Olson, Riley, Donnelly, Elliott, 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 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 Kathy Wright, Director of Educational Services.
6. **Report of Action taken, if any, during the Closed Session** (Government Code Section 54957.1)
Board Vice President Olson reported that the Board took the following actions during closed session.
The Board has reviewed the stipulated expulsion of student case #1718-311-002. Member Donnelly moved to approve the stipulated expulsion as presented, Member Bettencourt seconded. Motion carried 6 (Ayes: Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 1 (Absent: Fernandez)
7. **Review and Approve the Open Session Agenda**

A request from Mr. Beno was received to pull item number 14. Request to approve and adopt the tentative agreement between River Delta Unified Teacher's Association and the River Delta Unified School District for 2017-2018 from this evening's agenda.-Board Vice President Olson asked for a motion to approve the Open Session Agenda

Member Donnelly moved to approve pulling item number 14, Member Riley seconded. Motion carried 6 (Ayes: Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 1 (Absent: Fernandez)
8. **Public Comment:** Kathy Wright reminded the Board and public that the Teachers of the Year will be honored at the River Cats game on Friday starting at 6:30pm. Vouchers are available at Rio Vista High School for Friday night's game. Mr. Beno announced that this will be the final celebration honoring Steve Wright our district's Teacher of the Year.

Member Fernandez arrived at 6:40pm resuming leadership for the remainder of the meeting.
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 Fernandez reported that Delta High School's performance of Beauty and the Beast will be held April 12-14th. A dinner event will be held prior to the performance. The purchase of a dinner ticket will assure preferred seating for the performance.
 - 9.1.2 Committee Report(s): None to report
 - 9.1.3 Superintendent Beno's report(s) – Mr. Beno reported that 1,000 vines have been planted for the vineyard project at Delta High School. The hope is that this project will lead to a CTE program and will eventually be linked to UC Davis's study of Vinology (oenology). Mr. Beno mentioned that a key objective was set for the year to reduce the rate of suspensions in the district. Mr. Beno is happy to announce that as of today the district had reduced the suspension rate by about 50% from last year. Mr. Beno mentioned that Ed. Services have been inundated with the comprehensive review, audits, reports and other major projects and thanked Mrs. Wright and her staff for their efforts and appreciates all that they are doing.
 - 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 and Craig Hamblin, Director of MOT

- 9.2.1 ADA/Enrollment Report – Elizabeth Keema-Aston reported the ADA for March was 1808.25 and currently the district is slightly above the P-2 estimate by 10.25 ADA.
- 9.2.2 Monthly Financial Report – Elizabeth Keema-Aston reported as submitted.
- 9.2.3 Maintenance, Operations & Transportation Update, Craig Hamblin, Director of MOT – Mr. Hamblin reported that the wall ball courts have been removed from Riverview Middle School. HVAC units have been installed at Walnut Grove Elementary School in five classrooms. Mr. Hamblin noted other projects have been submitted on the monthly report.
- 9.3 Other – Education Services’ Reports and/or Presentation(s) -
 - 9.3.1 Educational Services and Special Education Updates – Kathy Wright reported that the comprehensive review has been very time consuming and has required input from many individuals, departments and including outside service providers. She thanked all the district employees as well as outside service providers working together, gathering information in a timely manner, while providing the services to the students.

Mrs. Wright informed the Board that Jenny Kitchens the School to Career Coordinator has been working very hard to make it possible for the students to take competency tests at the end of each pathway class. If all competency tests in the pathway are passed it will qualifying the student to take a certification exam in the pathway. We currently have students that have passed the competency tests, which is very exciting. A new dashboard indicator is College and Career Readiness. To be college and career ready, a student must receive their high school diploma along with another accomplishment such as passing A-G courses with proficient SBAC scores; or to complete a pathway. The district has submitted the CTE grant application and is waiting to receive notice on whether or not we will receive future funding.

Schedules are being prepared for SBAC testing and which should be starting soon. Each site has been working on academic conversations and are hopeful for improvement in test scores.

Mrs. Wright informed the Board of a several other projects her department has been working on including the District’s LCAP; the DSA for the Migrant Education Summer School Program and the History and Social Science curriculum adoption process.
 - 9.3.2 Williams Settlement Public Notification regarding sufficiency of teachers, facilities, and textbook and instructional materials, quarterly report (Third Quarter Jan.-Mar.) – Kathy Wright reported that the district did not received complaints during this quarter.
- 9.4 Other Informational items
 - 9.4.1 River Delta Unified Teacher’s Association (RDUTA) Update: None to report
 - 9.4.2 California State Employee’s Association (CSEA) Chapter #319 Update: None to report
 - 9.4.3 DELAC Meeting Minutes from the February 28, 2018 (Information only) – Carrie Norris submitted the February DELAC minutes as an information only item.

10. **Consent Calendar**

- 10.1 Approve Board Minutes
 - Regular Meeting of the Board, March 13, 2018
- 10.2 Receive and Approve Monthly Personnel Reports
 - As of April 10, 2018
- 10.3 District’s Monthly Expenditure Report
 - March 2018
- 10.4 Request to approve the Riverview Parent Teacher Club fundraising event “Mixed Bags Sales” to benefit Field Day – Sonia Rambo
- 10.5 Request to approve the Rio Vista High School’s Class of 2018 educational graduation trip to Universal Studios in Anaheim, California on May 23-24, 2018 – Vicky Turk
- 10.6 Request to approve the General Agreement for Nonpublic, Nonsectarian School/Agency (CCHAT Center) for the 2017-2018 school year at a cost not to exceed \$2,000, Special Education Funds – Kathy Wright
- 10.7 Request to declare as surplus non-operable technology equipment from inventory at Rio Vista High School and deem as zero value – Vicky Turk
- 10.8 Request the Board’s authorization for Mr. Beno to review and approve on behalf of the Board the District Service Agreement (DSA) with Butte County Office of Education Migrant Education Region 2 for Migrant Services in RDUSD for the 2018-2019 school year – Kathy Wright
- 10.9 Request to approve out-of-district travel and overnight stay for Riverview Middle School 6th grade students and two Riverview Teachers to the YMCA Point Bonita Science Camp, in Sausalito, from April 25-27, 2018 – Sonia Rambo
- 10.10 Request to approve the California Department of Education Tobacco-Free School District Certification fulfilling the compliance requirement for California Health and Safety Code, Section 104420 – Kathy Wright
- 10.11 Donations to Receive and Acknowledge:
 - Riverview Middle School – Leadership Camp**
 - Soroptimist International of Rio Vista - \$1,650
 - Isleton Lion’s Club Community Service - \$550
 - Rio Vista High School – Modernization of the Rio Vista High School Elizabeth McCormack Library**
 - Harvey L. and Maud C. Sorensen Foundation
 - Rio Vista High School – In memory of Alberto Guidi (Language and Arts Departments)**
 - Paola, Dianne and Lina Belli
 - Rio Vista High School – Class of 1968 Scholarship Fund**

Neil R. Hamilton III - \$100
John Cook - \$100

Rio Vista High School – Swim Team Fund

Soroptimist International of Rio Vista - \$1000
Hal and Sue Conklin - \$100
Molly & Tony Coito - \$43
Cathy & Dan Francis - \$53.75
Warren E Gomes Excavating, Inc. - \$197
Lynn Jones - \$30
Paul A. Lamothe - \$50
Marilyn & Jim Riley - \$50
James Woodruff - \$50
Mario Hernandez - \$50
Kathy & Steve Wright - \$50
Bonnie Chapman - \$100
Pam & Kenny Baird - \$50
Noelle & Warren Gomes, Jr. - \$50
Lira's Welding - \$100
Jeffrey & Jenny Henderson - \$50
Griffin Construction - \$50
Bill Wright - \$200
Howard Lamothe - \$250

Rio Vista High School – Softball Team

Ann Riedmiller - \$204.30
Darlene & Buford Holley - \$100

Walnut Grove Elementary School – Sly Park Educational Fieldtrip

Al's Place \$715
Walnut Grove Rotary \$1200
Mary Anne Mize \$166.81

Delta High School – Tyler Uslan Scholarship Fund

The Gordan T. and Melissa A. Egan Family Foundation - \$5,000

Member Bettencourt moved to approve. Member Donnelly seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

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

11. Request to approve the contract extension for one year to retain Sodexo as the Food Service Manager for the River Delta Unified School District in FY 2018-2019 – Elizabeth Keema-Aston

Member Bettencourt moved to approve. Member Olson seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

12. Request approval of election process and Resolution #745 Specifications of Election Order, Publication of Notice of Election form, Notice of Election and Certification of maps and boundaries for the November 6, 2018 Elections of District Board Members for the 2018-2022 term of office – Don Beno

Member Bettencourt moved to approve. Member Elliott seconded. Motion carried by roll call vote: 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

13. Request approve resolution #746 Calling for Full and Fair Funding of California's Public Schools – Don Beno

Member Olson moved to approve. Member Donnelly seconded. Motion carried by roll call vote: 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

14. ~~Request to approve and adopt the tentative agreement between River Delta Unified Teacher's Association and the River Delta Unified School District for 2017-2018 – Don Beno - Pulled~~

15. Request to approve and adopt the tentative agreement between California School Employees Association Chapter #319 and the River Delta Unified School District for 2017-2018– Don Beno

Member Olson moved to approve. Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

16. Request to approve the agreements with Management and Other non-bargaining unit employees for 2017-2018– Don Beno

Member Riley moved to approve. Member Olson seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

17. Request to approve the proposed District-wide Calendar for the 2019-2020 school year – Don Beno

Member Bettencourt moved to approve. Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

18. Request to approve the contract with RGM and Associates for Preparation and Administration of the Districtwide Roofing Projects, not to exceed \$15,780 Funds 22, 23 and ERP Fund 21 – Elizabeth Keema-Aston

Member Donnelly moved to approve, Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

19. Request to approve the contract with Bennett Consulting for Districtwide roof inspections and consulting services during the roofing projects and authorizes Mr. Beno or Ms. Keema-Aston to sign for consulting services after the final signature with Bennett Consulting, at a cost not to exceed \$20,000 Funds 22, 23 and ERP Fund 21 – Elizabeth Keema-Aston

Member Donnelly moved to approve, Member Elliott seconded. Motion carried by roll call vote: 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

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

21. Re-Adjourning to continue Closed Session was not necessary – no actions to report. Adjournment: There being no further business before the Board, Board President Fernandez asked for a motion to adjourn.

Member Maghoney moved to approve, Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Donnelly, Elliott, Maghoney, Bettencourt): 0 (Nays): 0 (Absent:)

22. The meeting was adjourned at 7:28 p.m.

Submitted:

Approved:

Don Beno, Superintendent and
Secretary to the Board of Trustees

Marilyn Riley, Clerk, Board of Trustees

By: Jennifer Gaston, Recorder
End

BOARD OF TRUSTEES



RIVER DELTA UNIFIED SCHOOL DISTRICT

Meeting Date: May 8, 2018

Attachments: X

Item no. 10.2

From: Bonnie Kauzlarich, Dir. of Personnel

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: _____ 2 mins. _____

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



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018 Attachments: X

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

Action Item:
Consent Action: X
Information Only:

SUBJECT: Approve Monthly Expenditure Summary

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: Mon, Apr 30, 2018, 3:07 PM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014780 A & B CREATIVE TROPHIES 19 WEST 6TH ST ANTIOCH, CA 94509 (925) 778-1244 N	783.00	RVHS LIBRARY PLAQUE	04/12/2018	18397504 PO-181131	783.00	N
003556 A-Z BUS SALES 3418 52ND STREET SACRAMENTO, CA 95823 (916) 391-1092 N	222.04	02P442222 TRANS PARTS 02P442222 TRANS PARTS 02P442222 TRANS PARTS	04/03/2018 04/03/2018 04/03/2018	18395773 PO-180195 18395773 PO-180195 18395773 PO-180195	222.04 .77 .77-	N N N
013287 ACSA FOUNDATION FOR ED ADMIN 1575 BAYSHORE HIGHWAY BURLINGAME, CA 94010 (800) 608-2272 N	326.66	MARCH 2018 ACSA DUES	04/10/2018	18396892 PV-180523	326.66	N
002739 ALL WEST COACHLINES INC 7701 WILBUR WAY SACRAMENTO, CA 95828 (916) 423-4000 N	2,839.05	66404 DHS SPORTS TRANS 66266 66372 DHS SPORTS TRANS	04/17/2018 04/17/2018 04/17/2018	18398013 PO-180553 18398013 PO-180553 18398013 PO-180553	881.40 1,076.25 881.40	N N N
003580 APALIT, LIGAYA 614 W. TYLER ISLAND BRIDGE RD. ISLETON, CA 95641 (916) 777-5410 N	114.45	ISLE CONF REIMB	04/12/2018	18397550 TC-180265	114.45	N
014572 ARREOLA, JOANA 7149 SNOWY BIRCH WAY SACRAMENTO, CA 95823 (0) - 0 N	181.23	ASP SUPPLIES	04/12/2018	18397511 PO-180661	181.23	N
012312 BALLANCE MPT, MICHAEL R 12270 KIRKWOOD STREET	131.25	SP ED PHYS THERAPY	04/17/2018	18398027 PO-180346	131.25	7

HERALD, CA 95638

(209) 663-8013

Y BALLANCE, MICH

Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
014367 BANK OF AMERICA	8,010.36	ISLE PRE K CLINE HOTEL	04/17/2018	18398023	PO-180915	635.88	N
PO BOX 15710		DHW SUPPLIES	04/17/2018	18398014	PO-180975	48.21	N
WILMINGTON, DE 19886-5710		RVHS SUPPLIES	04/17/2018	18398014	PO-180982	42.44	N
		RVHS SUPPLIES	04/17/2018	18398014	PO-180982	522.37	N
(0) - 0 N		RVHS SUPPLIES	04/17/2018	18398014	PO-180982	42.44	N
		RVHS PRINTER SUPPLIES	04/17/2018	18398014	PO-181005	458.23	N
		RVHS PRINTER SUPPLIES	04/17/2018	18398014	PO-181005	458.23	N
		ED SV CAST ACADEMY REGIST	04/17/2018	18398014	PO-181010	300.00	N
		ED SV CAST ACADEMY HODGES	04/17/2018	18398014	PO-181011	100.00	N
		CAFE DISPOSAL PART	04/17/2018	18398024	PO-181025	14.88	N
		CAFE DISPOSAL PART	04/17/2018	18398024	PO-181025	183.18	N
		CAFE DISPOSAL PART	04/17/2018	18398024	PO-181025	14.88	N
		F5 BACKPACKS	04/17/2018	18398014	PO-181031	593.32	N
		BATES DOCUMENT CAMERAS	04/17/2018	18398014	PO-181039	222.93	N
		BATES DOCUMENT CAMERAS	04/17/2018	18398014	PO-181039	222.93	N
		RVHS SMART BOARD LAMPS	04/17/2018	18398014	PO-181045	169.00	N
		RVHS SMART BOARD LAMPS	04/17/2018	18398014	PO-181045	13.73	N
		RVHS SMART BOARD LAMPS	04/17/2018	18398014	PO-181045	13.73	N
		DHW SUPPLIES	04/17/2018	18398014	PO-181046	8.55	N
		DHW SUPPLIES	04/17/2018	18398014	PO-181046	105.18	N
		DHW SUPPLIES	04/17/2018	18398014	PO-181046	8.55	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	102.15	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	102.16	N
		ASP SUPPLIES	04/17/2018	18398014	PO-181055	8.30	N
		CTIEG 3D AMAZON	04/17/2018	18398014	PO-181059	272.25	N
		ED SV J. EMIGH FLIGHT CONF	04/17/2018	18398014	PO-181062	346.71	N
		ISLE PRE-K SUMMIT REGIST	04/17/2018	18398014	PO-181067	148.68	N
		ISLE SLAGLE AIRFARE AVID	04/17/2018	18398014	PO-181087	174.76	N
		ISLE SLAGLE HOTEL AVID	04/17/2018	18398014	PO-181088	670.02	N
		SP ED THARP SURFACE PRO	04/17/2018	18398014	PO-181093	85.17	N
		SP ED THARP SURFACE PRO	04/17/2018	18398014	PO-181093	85.17	N
		SP ED THARP SURFACE PRO	04/17/2018	18398014	PO-181093	1,048.29	N
		SP ED IMEL REGIST	04/17/2018	18398014	PO-181099	295.00	N
		RMS VIEWSONIC PROJECTOR	04/17/2018	18398014	PO-181101	549.86	N
		DO RUIZ BACK UP	04/17/2018	18398014	PO-181102	83.72	N
		CRANE RVHS ENG SUPPLIES	04/17/2018	18398025	PO-181108	95.15	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010822 BARKMAN, MELINDA P.O. BOX 524 RIO VISTA, CA 94571 (0) - 0 N	17.12	RMS MILEAGE	04/17/2018	18398050 TC-180273	17.12	N
010853 BARRY MCCLAIN P.O. BOX 458 COURTLAND, CA 95615 (916) 775-1426 Y	55.03	34586 MAINT SUPPLIES	04/03/2018	18395783 PV-180509	55.03	Y
012586 BAY ALARM 60 BERRY DRIVE PACHECO, CA 94553 (209) 465-1986 N BALCO HOLDINGS	2,572.65	BATES ALARM BATES ALARM RVHS ALARM RVHS ALARM DW ALARMS ISLE ALARM	04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/17/2018	18397529 PV-180527 18397529 PV-180527 18397529 PV-180527 18397529 PV-180527 18397529 PV-180527 18398026 PO-180108	95.00 264.28 278.53 102.11 1,739.01 93.72	N N N N N N
012147 BECERRA, LUCIA P.O. BOX 64 RYDE, CA 95680 (0) - 0 N	53.83	ASP SUPPLIES ASP SUPPLIES ASP SUPPLIES	04/17/2018 04/17/2018 04/17/2018	18398051 TC-180274 18398051 TC-180274 18398051 TC-180274	17.94 17.94 17.95	N N N
013642 BLACK POINT ENVIRONMENTAL INC 930 SHILOH RD BLDG 40F WINDSOR, CA 95492 (707) 837-7407 N	148.75	1909 PROJ #247 146 MAGNOLIA	04/12/2018	18397530 PV-180528	148.75	N
014705 BROWN, JEFFREY 1157 JENSEN CIR. PITTSBURG, CA 94565 (0) - 0 Y	1,200.00	100004 PROF SERV RADIO RIO	04/12/2018	18397548 PV-180546	1,200.00	Y
014614 BUCKMASTER	151.14	347601/349538 CMS PRINTER SUPP	04/12/2018	18397512 PO-180989	151.14	N

623 W. STADIUM LANE
SACRAMENTO, CA 95834

(916) 923-0500

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000023 CAILLES, MARIE 3012 SUBARU CT. SACRAMENTO, CA 95826	100.00	BATES SUPPLIES	04/12/2018	18397505 PO-180747	100.00	N
() -						N
003681 CALIFORNIA AMERICAN WATER P.O. BOX 7150 PASADENA, CA 91109-7150	594.87	WG WATER SERV ISLE WATER	04/12/2018 04/24/2018	18397531 PV-180529 18399499 PV-180555	362.82 232.05	N N
(888) 237-1333						N
012079 CALIFORNIA CLEAR BOTTLED P.O. BOX 981 14410 W.G. THORNTON RD WALNUT GROVE, CA 95690	111.50	ZRI007 RMS WATER ZWA009 ASP DRINKING WATER ZBA006 BATES WATER	04/12/2018 04/17/2018 04/19/2018	18397513 PO-180010 18398028 PO-180587 18398805 PO-180365	51.75 16.25 43.50	7 7 7
(916) 776-1544						Y
002344 CALIFORNIA LABORATORY SERVICES 3249 FITZGERALD ROAD RANCHO CORDOVA, CA 95742	594.00	MAINT WATER TESTS	04/12/2018	18397514 PO-180127	594.00	N
(0) - 0						N GLOBAL LABS IN
012268 CALIFORNIA WASTE RECOVERY SYSTEMS 175 ENTERPRISE CT STE #A GALT, CA 95632-9047	1,134.68	ISLE WASTE SERVICE	04/12/2018	18397532 PV-180530	1,134.68	N
(209) 369-6887						N
010576 CAMACHO, REFUJIO 200 PRIMASING AVE P.O. BOX 553 COURTLAND, CA 95615	91.56	WG MILEAGE WG MILEAGE	04/10/2018 04/10/2018	18396897 TC-180260 18396897 TC-180260	26.16 65.40	N N
(0) - 0						N

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014547 CASEY, NICHOLAS 2318 Windy Springs LN BRENTWOOD, CA 94513	261.32	WIND RIVER MILEAGE DHW SUPPLIES DHW MILEAGE	04/17/2018 04/19/2018 04/19/2018	18398052 TC-180275 18398793 PO-180119 18398821 TC-180286	69.76 100.00 91.56	N N N
(0) - 0						N
002616 CDT INC 250 N GOLDEN CIRCLE DRIVE SUITE 210 SANTA ANA, CA 92705	101.00	44968 DOT DRUG TESTING	04/03/2018	18395784 PV-180510	101.00	N
(562) 986-4200						N
013918 CENGAGE LEARNING 10650 TOEBBEN DRIVE INDEPENDENCE, KY 41051	568.92	63367248 ED SV BOOKS	04/10/2018	18396871 PO-181029	568.92	N
(800) 354-9706						N
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251	2,259.18	BATES WASTE SERV WG WASTE SERV MOKE WASTE SERV TRANS WASTE SERV	04/12/2018 04/12/2018 04/12/2018 04/12/2018	18397533 PV-180531 18397533 PV-180531 18397533 PV-180531 18397533 PV-180531	1,161.73 892.40 76.88 128.17	N N N N
(0) - 0						N
014130 CHARTER BROS PO BOX 505 PLEASANTON, CA 94566	2,400.00	180223RL CTIEG RVHS BUS 180316RL CTEIG DHS BUS	04/24/2018 04/24/2018	18399493 PO-180874 18399493 PO-181061	1,200.00 1,200.00	N N
(925) 497-2376						N
013908 CIT TECHNOLOGY FINANCING SERVICES INC PO BOX 1638 LIVINGSTON, NJ 07039	262.76	31707183 CMS XEROX LEASE AGMNT	04/10/2018	18396882 PO-180626	262.76	N
(0) - 0						N

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000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641 (916) 777-7770	411.05	66952 ISLE SEWER	04/03/2018	18395774 PO-180112	411.05	N
000077 CITY OF RIO VISTA P.O. BOX 745 ONE MAIN STREET RIO VISTA, CA 94571 (0) - 0	4,334.71	DO WATER DHW SEWER RVHS SEWER RMS WATER DHW WATER DO SEWER RMS SEWER RVHS WATER	04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018	18397534 PV-180532 18397534 PV-180532 18397534 PV-180532 18397534 PV-180532 18397534 PV-180532 18397534 PV-180532 18397534 PV-180532 18397534 PV-180532	176.62 1.71 229.66 1,391.65 274.52 112.29 333.83 1,814.43	N N N N N N N N
014088 CLINE, SUZANNE 501 CALIFORNIA ST RIO VISTA, CA 94571 (0) - 0	50.35	ISLE PRE-K SUPPLIES	04/10/2018	18396890 PO-180785	50.35	N
001621 COURTLAND MARKET INC 11711 HWY 160 PO BOX 156 COURTLAND, CA 95615 (0) - 0	189.87	BATES SUPPLIES	04/12/2018	18397515 PO-180366	189.87	N
013798 CROWE HORWATH LLP 320 E JEFFERSON BOULEVARD PO BOX 7 SOUTH BEND, IN 46624-0007 () -	4,150.00	745-2128723 10% FINAL 6/17	04/03/2018	18395785 PV-180511	4,150.00	Y
014708 DANMER CUSTOM SHUTTERS 21001 NORDHOFF ST CHATSWORTH, CA 91311-5911	583.20	RVHS SP ED PORTABLE BLINDS	04/10/2018	18396872 PO-181129	583.20	N

(818) 576-8200

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013876 DATAPATH PO BOX 396009 SAN FRANCISCO, CA 94139 (888) 693-2827 N	18,306.20	137278 DW TECH SERVICES 137278 DW TECH SERVICES 137278 DW TECH SERVICES 137278 DW TECH SERVICES 137278 DW TECH SERVICES 137117 DHS PRINTER 137116 CMS LAPTOPS 137116 DHS LAPTOPS 137202 RVHS PRINTER 137201 ISLE PRE-K NOTEBOOK	04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/17/2018 04/17/2018 04/17/2018 04/17/2018 04/17/2018	18397516 PO-180190 18397516 PO-180190 18397516 PO-180190 18397516 PO-180190 18397516 PO-180190 18398015 PO-181000 18398015 PO-181017 18398015 PO-181017 18398015 PO-181069 18398015 PO-181084	2,154.25 8,078.44 107.71 107.71 107.71 184.89 1,000.00 4,603.25 346.00 1,400.81	N N N N N N N N N N
013722 DE LAGE LANDEN PUBLIC FINANCE 1111 OLD EAGLE SCHOOL ROAD WAYNE, PA 19087 (800) 736-0220 N	1,676.44	58581350 F5 PRINTER LEASE 58581323 WG MACHINE LEASES 58745868 DO SAVIN LEASE 58745868 DO SAVIN LEASE 58814403 MOKE PRINTER LEASE 58767125 BUS OFF COPY LEASE 58980761 SP ED COPIER LEASE 58980761 ED SV COPIER LEASE	04/03/2018 04/03/2018 04/17/2018 04/17/2018 04/17/2018 04/17/2018 04/24/2018 04/24/2018	18395775 PO-180039 18395775 PO-180042 18398029 PO-180111 18398029 PO-180111 18398029 PO-180429 18398029 PO-180639 18399496 PO-180315 18399496 PO-180315	84.86 183.73 200.24 469.12 373.36 176.51 50.00 138.62	N N N N N N N N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612 (916) 995-1335 N	139,961.00	APRIL TAX IN LIEU 16/17	04/03/2018 04/03/2018	18395786 PV-180512 18395786 PV-180512	141,021.00 1,060.00-	N N
014067 DISCOVERY OFFICE SYSTEMS 1269 CORPORATE CENTER PARKWAY SANTA ROSA, CA 95407 (707) 570-1000 N	81.44	55E1435748 BATES MAINT AGRMNT	04/19/2018	18398794 PO-180363	81.44	N
000116 DS WATERS OF AMERICA INCS 5660 NEW NORTHSIDE DRIVE SUITE 500 ATLANTA, GA 30328 (0) - 0 N DS WATERS OF A	181.78	5005834 DO WATER	04/03/2018	18395782 PV-180508	181.78	N

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014758 DYCKOVSKY, AMY 75 SOUTHAMPTON AVE BERKELEY, CA 94707	87.93	RMS MILEAGE	04/17/2018	18398053 TC-180276	87.93	N
(0) - 0						N
011478 EAI EDUCATION P.O. BOX 7046 OAKLAND, NJ 07436-7046	262.21	867035 ISLE SUPPLIES	04/17/2018	18398016 PO-181028	262.21	N
(800) 770-8010						N
011339 FRONTIER COMMUNICATIONS CORPORATION THREE HIGH RIDGE PARK STAMFORD, CT 06905	7,466.50	CMS PHONE	04/10/2018	18396893 PV-180524	290.36	N
		BATES PHONE	04/10/2018	18396893 PV-180524	600.76	N
		BATES PHONE	04/10/2018	18396893 PV-180524	65.62	N
		WG PHONE	04/10/2018	18396893 PV-180524	268.74	N
		RMS PHONE	04/10/2018	18396893 PV-180524	352.65	N
(0) - 0		RMS PHONE	04/10/2018	18396893 PV-180524	65.55	N
		RMS PHONE	04/10/2018	18396893 PV-180524	43.95	N
		RMS PHONE	04/10/2018	18396893 PV-180524	44.93	N
		DHW PHONE	04/10/2018	18396893 PV-180524	321.10	N
		ISLE PHONE	04/10/2018	18396893 PV-180524	603.77	N
		DHS PHONE	04/10/2018	18396893 PV-180524	928.28	N
		RVHS PHONE	04/10/2018	18396893 PV-180524	1,075.88	N
		MOKE PHONE	04/10/2018	18396893 PV-180524	101.63	N
		RADIO RIO PHONE	04/10/2018	18396893 PV-180524	125.35	N
		MAINT PHONE	04/10/2018	18396893 PV-180524	80.20	N
		MAINT PHONE	04/10/2018	18396893 PV-180524	138.97	N
		MAINT PHONE	04/10/2018	18396893 PV-180524	152.80	N
		TRANS PHONE	04/10/2018	18396893 PV-180524	102.54	N
		TRANS PHONE	04/10/2018	18396893 PV-180524	43.95	N
		TRANS PHONE	04/10/2018	18396893 PV-180524	104.86	N
		DO PHONE	04/10/2018	18396893 PV-180524	1,858.16	N
		CAFE PHONE	04/10/2018	18396896 PV-180524	41.84	N
		CAFE PHONE	04/10/2018	18396896 PV-180524	54.61	N
014234 GIRARD EDWARDS STEVENS & TUCKER LLP., ATTORNEYS AT LAW 8801 FOLSOM BLVD STE 285 SACRAMENTO, CA 95826	725.00	1173 ATTORNEY FEES	04/12/2018	18397535 PV-180533	493.00	Y
		1173 ATTORNEY FEES	04/12/2018	18397535 PV-180533	232.00	Y

(916) 706-1255

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014483 GOSS, HEATHER PO BOX 420 DUNNIGAN, CA 95937 (0) - 0 N	142.57	F5 MILEAGE	04/10/2018	18396898 TC-180261	142.57	N
003111 GOVERNMENT FINANCIAL STRATEGIES INC. 1228 N STREET, SUITE 13 SACRAMENTO, CA 95814-5609 (916) 444-5100 N	956.25	1322777 PROF SERV	04/03/2018	18395787 PV-180513	956.25	N
014573 GREAT AMERICA FINANCIAL SVCS PO BOX 660831 DALLAS, TX 75266-0831 (877) 311-4422 N	375.38	22470289 DHS COPIER LEASES	04/17/2018	18398030 PO-180332	375.38	N
014449 GROWING HEALTHY CHILDREN THERAPY SERVICES, INC 3498 GREEN VALLEY RD RESCUE, CA 95672 (530) 391-8670 N JON CHU	930.00	RDUSD-1803 SP ED ASST TECHNOL 1803A1 SP ED ASST TECH	04/12/2018 04/19/2018	18397517 PO-181089 18398806 PO-181089	690.00 240.00	N N
014500 HAND IN HAND THERAPEUTICS 214 ELMWOOD AVE MODESTO, CA 95354 (209) 604-8533 Y WAYNE STEVENSO	2,875.00	SP ED OCC THERAPY W/E 3/28/18 SP ED OCC THERAPY W/E 04/05 SP ED OCC THERAPY W/E 4/12	04/10/2018 04/12/2018 04/19/2018	18396883 PO-180306 18397518 PO-180306 18398807 PO-180306	675.00 1,100.00 1,100.00	Y Y Y
014681 HOANG, TRAM 10090 ROJELIO CT ELK GROVE, CA 95757 (0) - 0 N	100.00	BATES SUPPLIES	04/12/2018	18397506 PO-180749	100.00	N

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003538 HOME DEPOT CREDIT SERVICES DEPT 32-2500439736 P.O. BOX 78047 PHOENIX, AZ 85062-8047	1,628.60	MAINT SUPPLIES	04/17/2018	18398031 PO-180132	1,221.04	N
		DHS AG SUPPLIES	04/17/2018	18398017 PO-181072	203.78	N
		DHS AG SUPPLIES	04/17/2018	18398017 PO-181072	203.78	N
(0) - 0 N						
012272 HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY 222 BERKELEY STREET BOSTON, MA 02116	450.00	710097859 SP ED READ 180 TECH	04/10/2018	18396873 PO-181081	450.00	N
(800) 225-5425 N						
014496 IDENT-A-KID SERVICES 1780 102ND AVE NORTH STE 100 ST. PETERSBURG, FL 33716	420.00	102325 DHW 1 YR LICENSE	04/17/2018	18398018 PO-180117	420.00	N
(800) 890-1000 N						
011917 INDOFF 11816 LACKLAND AVENUE ST. LOUIS, MO 63146-4206	3,153.82	3064741 ISLE PRE-K SUPPLIES	04/10/2018	18396891 PO-180786	58.38	N
		3065000 ISLE SUPPLIES	04/10/2018	18396874 PO-180884	674.41	N
		3086032 ISLE SUPPLIES	04/12/2018	18397507 PO-180684	25.75	N
		3084203/3086032 ISLE SUPPLIES	04/12/2018	18397507 PO-180688	439.30	N
		3091324 ISLE SUPPLIES	04/12/2018	18397519 PO-180911	80.36	N
		3081091 ISLE SUPPLIES	04/12/2018	18397507 PO-180970	434.99	N
		3094085 BATES SUPPLIES	04/19/2018	18398808 PO-180496	74.86	N
		3063483 RVHS SUPPLIES	04/19/2018	18398808 PO-180565	323.29	N
		RU37040 CREDIT MEMO	04/19/2018	18398808 PO-180565	88.36	N
		3093091 ISLE SUPPLIES	04/19/2018	18398795 PO-181116	397.11	N
		3092236 ISLE SUPPLIES	04/19/2018	18398795 PO-181119	299.85	N
		3093419 ISLE PRE K SUPPLIES	04/19/2018	18398804 PO-181140	433.88	N
(707) 374-4037 N						
000107 INLAND BUSINESS SYSTEMS 1500 NO. MARKET SACRAMENTO, CA 95834-1912	342.29	IN139665 RVHS MAINT AGRMNT	04/17/2018	18398032 PO-180310	276.74	N
		IN144897 RVHS MAINT AGRMNT	04/24/2018	18399497 PO-180310	65.55	N
(916) 928-0770 N						

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014682 JONES, ZAIDA 10267 CROYDON WAY RANCHO CORDOVA, CA 95670 (0) - 0 N	65.10	SP ED MILEAGE	04/12/2018	18397551 TC-180266	65.10	N
003915 JOSTENS INC 21336 NETWORK PLACE CHICAGO, IL 60673-1213 (800) 413-3857 N	335.12	1003559 DHS DIPLOMAS	04/24/2018	18399494 PO-181180	335.12	N
013649 JP PETROLEUM SERVICE 3065 ASANTE LANE WEST SACRAMENTO, CA 95691 (916) 372-5693 Y JOHN P. PUUMAL	303.51	6698 TRANS TESTING	04/12/2018	18397520 PO-180206	303.51	Y
014233 KEEMA-ASTON, ELIZABETH 8068 HUXLEY CT. SACRAMENTO, CA 95829 (916) 397-6704 N	56.98	BUS OFF CONF REIMB	04/17/2018	18398054 TC-180277	56.98	N
014711 KIMBRELL, REBECCA 717 ALLENDER WAY RIO VISTA, CA 94571 (0) - 0 N	99.00	BATES SUPPLIES	04/12/2018	18397508 PO-180717	99.00	N
012005 KIRK KENNER DBA DELTA REFRIDG 5 HILL CT. RIO VISTA, CA 94571 (707) 374-6213 Y KENNER, KIRK	2,197.82	4974 CAFE REPAIRS 4972 MAINT HVAC REPAIRS	04/17/2018 04/17/2018	18398044 PO-180825 18398033 PO-180863	374.55 1,823.27	7 7
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE	330.00	2508 TRANS REPEATER SERV	04/03/2018	18395776 PO-180207	330.00	7

STOCKTON, CA 95202

(209) 463-1900

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
011595 LAND PARK ACADEMY 6400 FREEPORT BLVD SACRAMENTO, CA 95822	5,805.37	1228754 SP ED NPS DUES 1228755 SP ED NPS DUES	04/10/2018 04/10/2018	18396881 PO-180533 18396881 PO-180535	2,486.49 3,318.88	N N
(916) 427-2273		N ADVANCE EDUCAT				
012149 LARIOS, MARIA 12801 RIVER ROAD COURTLAND, CA 95615	156.47	F5 CONF REIMB/MILEAGE	04/17/2018	18398055 TC-180278	156.47	N
(0) - 0		N				
000548 LIRAS SUPERMARKET 609 HWY 12 RIO VISTA, CA 94571	349.76	#135 ED SV SUPPLIES #175 DHW SUPPLIES	04/12/2018 04/19/2018	18397536 PV-180534 18398796 PO-180118	287.83 61.93	N N
(707) 374-5399		N				
013206 LOWE'S 8369 POWER INN ROAD ELK GROVE, CA 95624-3464	200.49	MAINT SUPPLIES	04/17/2018	18398034 PO-180138	200.49	N
(866) 232-7443		N				
014665 LOY MATTISON ENTERPRISES 7038 ALMOND HILL COURT ORANGEVALE, CA 95662	1,402.50	020118033118 ERATE SERVICES	04/10/2018	18396884 PO-180361	1,402.50	Y
(0) - 0		Y				
000711 LYMAN PARTS DEPOT 14301 RAILROAD AVE WALNUT GROVE, CA 95690-	7.73	13112 MAINT SUPPLIES	04/17/2018	18398035 PO-180139	7.73	N
(916) 776-1744		N THE LYMAN GROU				
014770 M & M TOOL & MACHINERY 3362 S. MAINT STREET	253.40	55436 DHS AG SUPPLIES 55436 DHS AG SUPPLIES	04/17/2018 04/17/2018	18398019 PO-181071 18398019 PO-181071	20.59 20.59	N N

SALT LAKE CITY, UT 84115

55436 DHS AG SUPPLIES

04/17/2018 18398019 PO-181071

253.40 N

(877) 583-7278

N

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014144 MARTINEZ, SANDRA PO BOX 298 ISLETON, CA 95641	251.80	F5 MILEAGE F5 CONF REIMB	04/12/2018 04/17/2018	18397552 TC-180267 18398056 TC-180279	213.65 38.15	N N
(0) - 0						N
014355 MAXIM STAFFING SOLUTIONS 12558 COLLECTIONS CENTER DR CHICAGO, IL 60693	14,536.53	1512200429 SP ED NURSING SERV 5542220262 SP ED NURSING SERV 5516010262 SP ED NURSING SERV 5504080262 SP ED NURSING SERV 1520990429 SP ED NURSING SERV 5596250262 SP ED NURSING SERV 1527200429 SP ED NURSING SERV 5566880262 SP ED NURSING SERV 5578420262 SP ED NURSING SERV 1543370429 SP ED NURSING SERV 1558160429 SP ED NURSING SERV 5667480262 SP ED NURSING SERV 5682050262 SP ED NURSING SERV	04/10/2018 04/10/2018 04/10/2018 04/10/2018 04/10/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/17/2018 04/17/2018 04/17/2018 04/19/2018	18396885 PO-180611 18396885 PO-180611 18396885 PO-180611 18396885 PO-180611 18396885 PO-180611 18397521 PO-180611 18397521 PO-180611 18397521 PO-180611 18397521 PO-180611 18398036 PO-180611 18398036 PO-180611 18398036 PO-180611 18398809 PO-180611	2,015.00 658.00 853.52 282.00 2,275.00 1,200.00 1,820.00 564.00 270.25 1,267.50 1,755.00 750.00 826.26	N N N N N N N N N N N N N N
(800) 394-7195						N
014107 MCCARTY, MELADEE 12970 SELF-ESTEEM LANE GALT, CA 95632	1,040.00	SP ED PROF SERVICES	04/10/2018	18396886 PO-180307	1,040.00	N
(209) 601-2940						N
012735 MCKINLEY ELEVATOR CORP. 555 FULTON ST SUITE 202 SAN FRANCISCO, CA 94102	1,111.00	A100774/A103392 ELEVATOR MAINT	04/10/2018	18396887 PO-180140	1,111.00	N
(415) 626-9951						N
012837 MOBILE MODULAR 5700 LAS POSITAS ROAD LIVERMORE, CA 94551	509.00	1589609 MODULAR LEASE	04/03/2018	18395795 PV-180521	509.00	N
(925) 606-9000		N MCGRATH RENTCO				

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013929 MONTGOMERY, MARSHA C/O RIO VISTA HIGH SCHOOL 410 S FOURTH STREET RIO VISTA, CA 94571	379.28	RVHS CULINARY REIMB	04/03/2018	18395789 PV-180514	379.28	N
() -						N
014170 NAVARRO, ELVIA 24674 N. GRAHAM RD ACAMPO, CA 95220	20.00	BUS OFF CONF REIMB	04/10/2018	18396899 TC-180262	20.00	N
(0) - 0						N
013877 NORRIS, CARRIE 4833 STEPPE COURT ELK GROVE, CA 95757	118.59	WG TB TEST REIMB WG SUPPLIES	04/10/2018 04/19/2018	18396888 PO-180522 18398810 PO-180044	45.00 73.59	N N
(0) - 0						N
014016 O'REILLY AUTO PARTS 233 S PATTERSON SPRINGFIELD, MO 65802	767.80	1468127 TRANS SUPPLIES	04/17/2018	18398037 PO-180211	767.80	N
(0) - 0						N O'REILLY AUTOM
000193 OILWELL MATERIALS & HARDWARE CO INC 506 STATE HIGHWAY 12 RIO VISTA, CA 94571	508.32	1608 RVHS AG SUPPLIES #1608 RVHS AG SUPPLIES MAINT SUPPLIES	04/17/2018 04/17/2018 04/17/2018	18398038 PO-180065 18398038 PO-180065 18398038 PO-180141	86.87 86.87 334.58	N N N
(0) - 0						N
012890 ORANGE COUNTY DEPT OF ED 200 KALMUS DRIVE COSTA MESA, CA 92626	500.00	94L13799 ED SV EMIGH GLAD REGI	04/10/2018	18396876 PO-181063	500.00	N
(714) 996-4156						N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003218 ORIENTAL TRADING CO INC 4206 SOUTH 108TH STREET OMAHA, NE 68137 (800) 228-0475	544.22	689189506 ASP SUPPLIES 689189506 ASP SUPPLIES 689189506 ASP SUPPLIES 689345928 ASP SUPPLIES 689345928 ASP SUPPLIES 689345928 ASP SUPPLIES	04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018	18398797 PO-180441 18398797 PO-180441 18398797 PO-180441 18398797 PO-180444 18398797 PO-180444 18398797 PO-180444	13.03 160.34 13.03 31.19 383.88 31.19	- N N N N N N
013692 PATIN, ANGELA 633 MADERE WAY RIO VISTA, CA 94571 (0) - 0	237.62	ISLE MILEAGE	04/12/2018	18397553 TC-180268	237.62	N
014392 PAULS, HOLLY PO BOX 511 WALNUT GROVE, CA 95690 (916) 776-1215	120.45	WG MILEAGE	04/12/2018	18397554 TC-180269	120.45	N
013895 PEARSON CLINICAL ASSESSMENT ORDERING PO BOX 599700 SAN ANTONIO, TX 78259 (800) 627-7271	522.69	11561517 SP ED SUPPLIES	04/10/2018	18396875 PO-181024	522.69	N
003270 PG&E 685 EMBARCADERO DRIVE SACRAMENTO, CA 95605 (0) - 0	47.23	RADIO RIO ELECT DHW ELECT	04/03/2018 04/12/2018	18395790 PV-180515 18397538 PV-180535	22.05 25.18	N N
013554 POINT QUEST 6600 44TH STREET SACRAMENTO, CA 95823 (916) 422-0571	38,523.96	30729/30767 NPS DUES 30778/30749/30797 NPS DUES 160635/190641 SP ED INST ASSTS 160671/160676 SP ED INST ASSTS 30645 NPS DUES	04/12/2018 04/12/2018 04/12/2018 04/17/2018 04/19/2018	18397522 PO-180417 18397522 PO-180418 18397522 PO-181109 18398039 PO-181110 18398811 PO-180417	2,671.82 3,646.00 13,932.80 15,485.00 2,788.34	N N N N N

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002828 POSITIVE PROMOTIONS INC 15 GILPIN AVE HAUPPAUGE, NY 11788-8821 (800) 635-2666 N	357.74	05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES 05979320 ASP SUPPLIES	04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018	18398798 PO-181058 18398798 PO-181058 18398798 PO-181058 18398798 PO-181058 18398798 PO-181058 18398798 PO-181058 18398798 PO-181058 18398798 PO-181058	119.25 9.69 9.69 119.25 9.69 9.69 119.24 9.69 9.69	N N N N N N N N N
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765 (317) 371-3866 Y	24,114.67	5320/5321/5311 SP ED SP THERAP	04/19/2018	18398812 PO-180300	24,114.67	7
014782 PROTEL COMMUNICATIONS 13851 DANIELSON ST POWAY, CA 92064 (0) - 0 N	225.00	266955 PHONE REPAIR	04/12/2018	18397539 PV-180536	225.00	N
013892 R & R GLASS CO 4418 OLIVE DRIVE FAIRFIELD, CA 94533 (707) 429-3618 Y	279.19	843981 TRANS REPAIRS	04/17/2018	18398040 PO-180892	279.19	Y
014410 RAMBO, SONIA 9697 NATURE TRAIL WAY ELK GROVE, CA 95757 (0) - 0 N	164.41	RMS SUPPLIES RMS SUPPLIES RMS SUPPLIES/MILEAGE RMS SUPPLIES/MILEAGE RMS SUPPLIES/MILEAGE	04/19/2018 04/19/2018 04/19/2018 04/19/2018 04/19/2018	18398813 PO-180008 18398813 PO-180008 18398822 TC-180287 18398822 TC-180287 18398822 TC-180287	14.05 46.61 7.88 87.93 7.94	N N N N N
000088 RAMOS OIL COMPANY INC DEPT # 34335 PO BOX 39000 SAN FRANCISCO, CA 94139-0001	7,689.01	987592/987521 TRANS FUEL 987698 TRANS FUEL 987493 TRANS FUEL	04/03/2018 04/10/2018 04/12/2018	18395777 PO-180202 18396889 PO-180202 18397523 PO-180202	4,465.47 1,598.93 1,624.61	N N N

(916) 371-2570

N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010134 READ NATURALLY INC 1284 CORPORATE CENTER DR. #600 SAINT PAUL, MN 55121	398.00	223313 BATES READ LIVE WRKSHP 223313 BATES READ LIVE WRKSHP	04/19/2018 04/19/2018	18398799 PO-181041 18398799 PO-181041	199.00 199.00	N N
(800) 788-4085						N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607	2,095.69	DO GARBAGE SERV DHW WASTE SERV RVHS WASTE SERV	04/03/2018 04/12/2018 04/12/2018	18395788 PV-180516 18397537 PV-180537 18397537 PV-180537	117.00 1,100.96 877.73	N N N
(0) - 0						N
014783 RIO VISTA TOWING 140 SACRAMENTO ST. #1024 RIO VISTA, CA 94571	275.00	1016 TRANS TOWING	04/12/2018	18397540 PV-180538	275.00	N
(925) 400-5485						N
000589 RISO PRODUCTS OF SACRAMENTO 3304 MONIER CIRCLE SUITE 110 RANCHO CORDOVA, CA 95742	1,390.16	182088 RVHS AG SUPPLIES 182088 RVHS AG SUPPLIES 182236 CMS INK	04/19/2018 04/19/2018 04/24/2018	18398800 PO-181126 18398800 PO-181126 18399495 PO-181135	379.96 379.96 630.24	N N N
(916) 638-7476		N RPSI ENTERPRIS				
000729 RIVER NEWS HERALD 21 S FRONT STREET RIO VISTA, CA 94571	82.14	6-7563 HR ADVERTISING	04/12/2018	18397524 PO-180387	82.14	N
(0) - 0		N GIBSON PUBLICA				
010670 RIVERVIEW-INTERNATIONAL TRUCKS 2445 EVERGREEN AVE P.O. BOX 716 WEST SACRAMENTO, CA 95691	2,131.22	61671 TRANS PARTS	04/12/2018	18397525 PO-180214	2,131.22	7
() -		Y				

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014784 ROMAN, ANA 120 TAHOE RIO VISTA, CA 94571	27.07	RMS SUPPLIES	04/17/2018	18398057 TC-180280	27.07	N
(0) - 0						N
014412 ROMERO, MARISOL 12645 SUTTER ISLAND RD COURTLAND, CA 95615	792.98	PARENT TRANS/BUS TICKETS PARENT TRANS/BUS TICKETS	04/17/2018 04/17/2018	18398058 TC-180281 18398058 TC-180281	60.50 732.48	N N
(0) - 0						N
012796 ROSSI, MARCY 128 N SECOND STREET RIO VISTA, CA 94571	138.43	ED SV MILEAGE	04/17/2018	18398059 TC-180282	138.43	N
(0) - 0						N
012449 S AND S WORLDWIDE 75 MILL STREET COLCHESTER, CT 06415	536.80	10794910 ASP SUPPLIES 10148154 ASP SUPPLIES 10164989 ASP SUPPLIES	04/19/2018 04/19/2018 04/19/2018	18398801 PO-180431 18398801 PO-180443 18398801 PO-180446	71.98 98.03 366.79	N N N
(800) 288-9941						N
000095 S M U D P.O. BOX 15555 SACRAMENTO, CA 95852	8,367.90	TRANS ELECT TRANS ELECT BATES ELECT BATES ELECT WG ELECT WG ELECT WG ELECT WG ELECT	04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018	18397541 PV-180539 18397541 PV-180539 18397541 PV-180539 18397541 PV-180539 18397541 PV-180539 18397541 PV-180539 18397541 PV-180539 18397541 PV-180539	13.52 114.10 494.63 4,243.67 27.04 386.11 3,068.53 20.30	N N N N N N N N
(0) - 0						N
012225 SACRAMENTO COUNTY COUNTY OF SACRAMENTO 700 H STREET ROOM 1710 SACRAMENTO, CA 95814	4,812.25	FISCAL AGENT FEES 2ND QTR FISCAL AGENT FEES 2ND QTR FISCAL AGENT FEES 2ND QTR FISCAL AGENT FEES 2ND QTR FISCAL AGENT FEES 2ND QTR	04/12/2018 04/12/2018 04/12/2018 04/12/2018 04/12/2018	18397546 PV-180544 18397546 PV-180544 18397547 PV-180544 18397547 PV-180544 18397547 PV-180544	948.35 948.35 971.85 971.85 971.85	N N N N N
(916) 874-8250						N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000090 SACRAMENTO COUNTY UTILITIES 9700 GOETHE ROAD SUITE C SACRAMENTO, CA 95827	111.70	MOKE SEWER	04/17/2018	18398045 PV-180547	111.70	N
(0) - 0						N
014687 SACRAMENTO STATE C/O DPR/IPM OFFICE OF CONTINUING ED 3000 STATE UNIVERSITY DRIVE SACRAMENTO, CA 958196103	25.00	SD#99367708 MAINT TRAINING	04/19/2018	18398817 PV-180551	25.00	N
(0) - 0						N
014680 SALCEDO, YULIANA 16791 GLASSCOCK RD LODI, CA 95242	554.61	PARENT TRANS PARENT TRANS	04/12/2018 04/17/2018	18397555 TC-180270 18398060 TC-180283	489.36 65.25	N N
(0) - 0						N
003501 SCHOLASTIC INC 2931 EAST MCCARTY STREET JEFFERSON CITY, MO 65101	1,174.50	16754879 BATES SUPPLIES	04/19/2018	18398802 PO-181040	1,174.50	N
(800) 724-6527						N
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942	785.21	308102955306 BATES SUPPLIES 308102966442 RMS SUPPLIES 308102965255 RMS SUPPLIES	04/12/2018 04/17/2018 04/19/2018	18397526 PO-180367 18398020 PO-181038 18398803 PO-181077	132.93 122.44 529.84	N N N
(0) - 0						N
013193 SCOE P.O. BOX 269003 10474 MATHER BLVD SACRAMENTO, CA 95826	1,338.60	181754 SP ED STINE REGISTRAT ISLE SLY PARK DEPOSIT 181890 ED SV BELIEF TRAINING 181914 DO WARRANT ENVELOPES	04/10/2018 04/10/2018 04/10/2018 04/10/2018	18396877 PO-180815 18396877 PO-180957 18396877 PO-181012 18396877 PO-181073	490.00 500.00 90.00 258.60	N N N N
(0) - 0						N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014450 SCOTT TECHNOLOGY GROUP 1143 N. MARKET BLVD STE #7 SACRAMENTO, CA 95834	754.29	60968 F5 PRINTER COSTS	04/12/2018	18397527 PO-180038	117.99	N
		60032/60033/58097 WG PRNTR CST	04/12/2018	18397527 PO-180041	43.03	N
		60990 BATES MAINT AGRMNT	04/12/2018	18397527 PO-180430	157.88	N
(916) 913-6191 N WIZIX TECHNOLO		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	8.02	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	13.12	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	18.71	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	143.30	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	56.26	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	56.20	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	58.88	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	62.09	N
		BUS OFF PRINTER CHARGES	04/19/2018	18398820 PV-180552	18.81	N
014459 SESAC 55 MUSIC SQUARE EAST NASHVILLE, TN 37203-4362	155.00	RADIO RIO LICENSE	04/12/2018	18397549 PV-180545	155.00	N
(615) 320-0055 N						
013480 SHELDON GAS COMPANY 1 HARBOR CENTER # 310 SUISUN CITY, CA 94585	544.52	94499 MOKE PROPANE	04/12/2018	18397542 PV-180540	.78	N
		94499 MOKE PROPANE	04/12/2018	18397542 PV-180540	.78	N
		94499 MOKE PROPANE	04/12/2018	18397542 PV-180540	222.88	N
		94509 WG PROPANE	04/12/2018	18397542 PV-180540	1.12	N
		94509 WG PROPANE	04/12/2018	18397542 PV-180540	1.12	N
(707) 425-2951 N		94509 WG PROPANE	04/12/2018	18397542 PV-180540	321.64	N
014524 SHRED IT PO BOX 101007 PASADENA, CA 91189-1007	113.66	8124413308 SHREDDING	04/03/2018	18395791 PV-180517	113.66	N
(0) - 0 980157899 N						
000055 SIA DELTA DENTAL P.O. BOX 276710 SACRAMENTO, CA 95827-6710	3,477.90	APRIL 2018 PREMIUMS	04/12/2018	18397543 PV-180541	1,003.07	N
		APRIL 2018 PREMIUMS	04/12/2018	18397543 PV-180541	2,474.83	N
(0) - 0 N						
000056 SIA VISION SERVICE	519.12	APRIL 2018 PREMIUMS	04/10/2018	18396894 PV-180525	259.56	N

P.O. BOX 276710
SACRAMENTO, CA 95827-6710

APRIL 2018 PREMIUMS

04/10/2018 18396894 PV-180525

259.56 N

(0) - 0 N

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014751 SILVERADO STAGES 2239 NORTH BLACK CANYON HWY PHEONIX, AZ 85009 (0) - 0 N	1,538.00	WG FIELD TRIP TRANSP	04/12/2018	18397509 PO-181143	1,538.00	N
014454 SINGH, PRITIKA 212 WEST HWY 220 RYDE, CA 95680 (916) 491-0657 N	538.46	PARENT MILEAGE	04/12/2018	18397556 TC-180271	538.46	N
014477 SISNEROS, KELLEE 44 S. 6TH STREET RIO VISTA, CA 94571 (0) - 0 N	137.72	BUS OFF CONF REIMB	04/10/2018	18396900 TC-180263	137.72	N
012628 SOLANO COUNTY OFFICE OF SELPA 5100 BUSINESS CENTER DRIVE FAIRFIELD, CA 94534 (707) 399-4415 N	2,427.98	18-01872 TUPE GRANT	04/17/2018	18398046 PV-180548	2,427.98	N
012288 SOUZA, JENNIFER 717 TAMARACK DRIVE LODI, CA 95240 (0) - 0 N	104.75	ISLE MILEAGE	04/10/2018	18396901 TC-180264	104.75	N
003625 SPRADLING, KATRINA 65 EDGEWATER DRIVE RIO VISTA, CA 94571 (0) - 0 N	40.33	CMS CONF REIMB	04/12/2018	18397557 TC-180272	40.33	N
013858 SPURR	8,067.61	DHS GAS	04/17/2018	18398047 PV-180549	2,427.56	N

1850 GATEWAY BOULEVARD
CONCORD, CA 94520

(888) 400-2155

N

DO GAS
DHW GAS
ISLE GAS
ISLE GAS
RVHS GAS
RMS GAS
TRANS GAS

04/17/2018	18398047	PV-180549	180.39	N
04/17/2018	18398047	PV-180549	760.83	N
04/17/2018	18398047	PV-180549	16.87	N
04/17/2018	18398047	PV-180549	1,390.28	N
04/17/2018	18398047	PV-180549	1,911.73	N
04/17/2018	18398047	PV-180549	1,033.45	N
04/17/2018	18398047	PV-180549	277.52	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013858 SPURR (Continued...)		STORAGE PREPAID GAS	04/17/2018	18398047 PV-180549	341.87	N
		CMS CAFE GAS	04/17/2018	18398049 PV-180549	410.85	N
014069 STAPLES ADVANTAGE 500 STAPLES DRIVE FRAMINGHAM, MA 01702	1,485.06	3373005220 ASP SUPPLIES	04/03/2018	18395778 PO-180435	27.47	N
		3373005220 ASP SUPPLIES	04/03/2018	18395778 PO-180435	.10	N
		3373005220 ASP SUPPLIES	04/03/2018	18395778 PO-180435	.10	N
		3373005221 ASP SUPPLIES	04/03/2018	18395778 PO-180442	21.22	N
(0) - 0 N STAPLES CONTRA		3373005221 ASP SUPPLIES	04/03/2018	18395778 PO-180442	.07	N
		3373005221 ASP SUPPLIES	04/03/2018	18395778 PO-180442	.07	N
		3370386026 TRANS SUPPLIES	04/03/2018	18395792 PV-180518	64.11	N
		3370386026 TRANS SUPPLIES	04/03/2018	18395792 PV-180518	.22	N
		3370386026 TRANS SUPPLIES	04/03/2018	18395792 PV-180518	.22	N
		3373715004 DHW SUPPLIES	04/17/2018	18398021 PO-180014	25.07	N
		3373715001 DHW SUPPLIES	04/17/2018	18398021 PO-180014	11.45	N
		3372629742 DHW SUPPLIES	04/17/2018	18398021 PO-180014	48.19	N
		3373715002 DHW SUPPLIES	04/17/2018	18398021 PO-180014	14.48	N
		3372629748 DHW SUPPLIES	04/17/2018	18398021 PO-180020	2.97	N
		3372939866 DHW SUPPLIES	04/17/2018	18398021 PO-180020	38.28	N
		3372543879 DHW SUPPLIES	04/17/2018	18398021 PO-180020	11.52	N
		3372543878 DHW SUPPLIES	04/17/2018	18398021 PO-180020	122.68	N
		3372629747 DHW SUPPLIES	04/17/2018	18398021 PO-180020	7.82	N
		3372543876 DHW SUPPLIES	04/17/2018	18398021 PO-180027	178.95	N
		3373715005 DHW SUPPLIES	04/17/2018	18398021 PO-180027	86.48	N
		3372939865 DHW SUPPLIES	04/17/2018	18398021 PO-180031	184.90	N
		3374967929 RDHS SUPPLIES	04/19/2018	18398814 PO-180362	136.43	N
		3374754794 WIND RVR SUPPLIES	04/19/2018	18398814 PO-180386	15.13	N
		3373054313 WIND RVR SUPPLIES	04/19/2018	18398816 PO-180386	75.15	N
		3373943657 ASP SUPPLIES	04/19/2018	18398814 PO-180445	1.39	N
		3373943658 ASP SUPPLIES	04/19/2018	18398814 PO-180445	.05	N
		3373943658 ASP SUPPLIES	04/19/2018	18398814 PO-180445	.05	N
		3373943658 ASP SUPPLIES	04/19/2018	18398814 PO-180445	14.12	N
		3373943657 ASP SUPPLIES	04/19/2018	18398814 PO-180445	398.64	N
		3373943657 ASP SUPPLIES	04/19/2018	18398814 PO-180445	1.39	N
014723 STAR AUTISM SUPPORT 6663 SW BEAVERTON-HILLSDALE HWY #119 PORTLAND, OR	1,350.00	19145 SP ED STAR WEBINAR	04/10/2018	18396878 PO-181056	1,350.00	N
(503) 297-2864 N						

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013400 STATE BOARD OF EQUALIZATION PO BOX 942879 SACRAMENTO, CA 94279-8044 (0) - 0 N	1,230.00	JAN-MAR 2018 SALES USE TAX	04/24/2018	18399500 PV-180556	1,230.00	N
013401 STATE BOARD OF EQUALIZATION FUEL TAXES DIVISION PO BOX 942879 SACRAMENTO, CA 94279-6155 (916) 322-9669 N	97.02	JAN-MAR 2018 FUEL TAX	04/24/2018	18399501 PV-180557	97.02	N
003646 STATE OF CALIFORNIA 1300 I STREET SUITE 810 SACRAMENTO, CA 95814 (0) - 0 N	211.00	293965 FINGERPRINTING	04/17/2018	18398048 PV-180550	211.00	N
000923 STEVE SMITH ELECTRIC STEPHEN A SMITH P.O. BOX 386 RIO VISTA, CA 94571 (707) 249-1848 Y	879.00	6104 MAINT REPAIRS	04/03/2018	18395779 PO-180151	879.00	7
000096 STEWART INDUSTRIAL SUPPLY INC 608 HWY 12 RIO VISTA, CA 94571 (707) 374-5567 N	586.42	23100 TRANS SUPPLIES	04/03/2018	18395780 PO-180220	586.42	N
013947 SUPPLY WORKS PO BOX 742056 LOS ANGELES, CA 90074-2056 (877) 577-1114 N	2,100.12	432853729 BATES SUPPLIES 434457297 CMS SUPPLIES 434956587 RVHS SUPPLIES 434764072 DHS SUPPLIES 434457305 DHS SUPPLIES 434956595 RMS SUPPLIES	04/17/2018 04/17/2018 04/17/2018 04/17/2018 04/17/2018 04/17/2018	18398041 PO-180156 18398041 PO-180156 18398041 PO-180156 18398041 PO-180156 18398041 PO-180156 18398041 PO-180156	111.26 196.86 717.81 36.61 652.13 385.45	N N N N N N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014490 TEJEDA, DIANNA 7432 POIRIER WAY SACRAMENTO, CA 95822 (916) 888-4383	30.56	ASP CPR/FIRST AID	04/17/2018	18398061 TC-180284	30.56	N
014521 THOMPSON INFO SERVICES PO BOX 41868 AUSTIN, TX 78704 (800) 677-3789	536.99	65034845 CBO GRANT HANDBOOK	04/03/2018	18395793 PV-180519	536.99	N
012694 U.S. BANK 221 SOUTH FIGUEROA ST, STE 210 LM-CA-F2TC LOS ANGELES, CA 90012 (0) - 0	10,434.87	MARCH 2018 GASE 45	04/10/2018	18396895 PV-180526	10,434.87	N
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328 (0) - 0	266.40	DO SHIPPING DO SHIPPING DO SHIPPING	04/12/2018 04/12/2018 04/19/2018	18397544 PV-180542 18397544 PV-180542 18398818 PV-180553	126.20 60.59 79.61	N N N
013419 US BANK NATIONAL ASSOCIATION 1310 MADRID ST SUITE 101 MARSHALL, MN 56258 (800) 328-5371	820.11	354043184 RVHS LEASE AGRMNT 355156837 DHW COPY LEASE	04/03/2018 04/24/2018	18395781 PO-180078 18399498 PO-180113	324.38 495.73	N N
013657 USLAN, LAURA PO BOX 1128 WALNUT GROVE, CA 95690 (0) - 0	212.09	CMS SUPPLIES DHS SUPPLIES	04/19/2018 04/19/2018	18398815 PO-180450 18398815 PO-180450	106.05 106.04	N N

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014747 VILLASENOR, ANA 14247 HWY 160 WALNUT GROVE, CA 95690 (0) - 0 N	657.27	PARENT TRANS	04/19/2018	18398823 TC-180288	657.27	N
014776 VOIPCOMTECH 2111 BRIDLE CREEK CIRCLE TRACY, CA 95304 (510) 598-8006 N	337.50	DO PHONE REPAIR	04/03/2018	18395794 PV-180520	337.50	N
000679 WARREN E GOMES EXCAVATING INC P.O. BOX 369 RIO VISTA, CA 94571 (707) 374-2881 N	8,398.94	1832 MAINT RMS PLAYGRND	04/17/2018	18398022 PO-181166	8,398.94	N
010906 WASTE MANAGEMENT OF WOODLAND P.O. BOX 78251 PHOENIX, AZ 85062-8251 (0) - 0 N	907.85	DHS WASTE SERV DHS WASTE SERVICE	04/12/2018 04/19/2018	18397545 PV-180543 18398819 PV-180554	15.45 892.40	N N
012528 WILLIAMS SCOTSMAN INC 4911 ALLISON PARKWAY VACAVILLE, CA 95688 (707) 451-3000 N	3,748.68	RMS MODULAR LEASE DHW MODULAR LEASE RMS MODULAR LEASE RVHS MODULAR LEASE	04/03/2018 04/03/2018 04/03/2018 04/03/2018	18395796 PV-180522 18395796 PV-180522 18395796 PV-180522 18395796 PV-180522	937.17 937.14 937.17 937.20	N N N N
012493 WOODCRAFT 9523 FOLSOM BLVD SACRAMENTO, CA 95827 (916) 362-9664 N	8,280.97	475546 CRANE DHS AG SUPPLIES 475546 CRANE DHS AG SUPPLIES	04/12/2018 04/12/2018	18397510 PO-181105 18397510 PO-181105	142.18 8,138.79	N N
003308 WRIGHT, KATHERINE 400 SOUTH FRONT STREET	1,245.24	ED SV MILEAGE ED SV CONF REIMB/SUPPLIES	04/17/2018 04/19/2018	18398062 TC-180285 18398824 TC-180289	1,107.44 42.40	N N

RIO VISTA, CA 94571

ED SV CONF REIMB/SUPPLIES

04/19/2018 18398824 TC-180289

95.40 N

(0) - 0 N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014706 ZOOM IMAGING SOLUTION	2,964.08	184421 DHW PRINTER SERV	04/10/2018	18396879 PO-180675	1,147.38	N
200 S. HARDING BLVD		184421 DHW PRINTER SERV	04/10/2018	18396880 PO-180675	1,335.72	N
ROSEVILLE, CA 95678		1924243/1917186 DHW/WR SERV CT	04/17/2018	18398042 PO-181047	400.00	N
		1924243/1917186 DHW/WR SERV CT	04/17/2018	18398043 PO-181047	80.98	N
(916) 369-6526						N
District total:	409,496.47					
Report total:	409,496.47					

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



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: _____

From: Kathy Wright, Director of Educational Services

X

Item #: _____ 10.4 _____

SUBJECT

Action: _____

Rio Vista and Delta High School's Representatives to CIF Leagues for the 2018-2019 School year.

Consent Action: ___X___

Information Only: _____

Background:

The education code gives the authority for high school athletics to high school governing boards. The code also requires that the board, after joining CIF, designate their representatives to CIF leagues. It is a legal requirement that league representatives be so designated.

Status:

Rio Vista High School would like board to appoint Vicky Turk, Stacy Knisley and Noelle Gomes as the RVHS representatives to league. Delta High School would like board to appoint Laura Uslan and Katherine Ingalls as representatives to league for the 2018-2019 school year.

Presenter:

Kathy Wright, Director of Educational Services

Cost &/or Funding Sources (be specific)

No cost to the district.

Recommendation:

The Board appoint Vicky Turk, Laura Uslan, Noelle Gomes, Katherine Ingalls and Stacy Knisley as RDUSD league representatives for the 2018-2019 school year.

Time: _____ 2 mins. _____



TO: SUPERINTENDENT OF PUBLIC SCHOOLS
PRINCIPAL OF PRIVATE SCHOOLS

FROM: ROGER L. BLAKE

RE: FORM TO RECORD DISTRICT AND/OR SCHOOL REPRESENTATIVES TO LEAGUES

DATE: APRIL 19, 2018

Enclosed is a form upon which to record your district and/or school representatives to leagues for **next year, 2018-2019**. It is a form sent every year to you in order to obtain the names of league representatives to every league in the state and to make sure that the league representatives are designated by school district or school governing boards. **It is a legal requirement that league representatives be so designated.**

The education code gives the authority for high school athletics to high school governing boards. The code also requires that the boards, after joining CIF, designate their representatives to CIF leagues. This is a necessity! (Ed. Code 33353 (a) (1))

We are asking that, after action by the governing board, you **send the names of league representatives to your CIF Section office**. Obviously, the presumption behind this code section is that the representatives of boards are the only people who will be voting on issues, at the league and section level, that impact athletics.

If a governing board does not take appropriate action to designate representatives or this information is not given to Section offices within the required time frame, CIF is required to suspend voting privileges (CIF Constitution, Article 2, Section 25, p.17) for the affected schools.

At the State Federated Council level we will be asking that Sections verify that their representatives are designated in compliance with this Ed. Code section.

I hope this gives you a bit of background. Thank you for all you do to help support high school athletics. It is a valuable program in all high schools and we appreciate the support you give to the program and to CIF.

Please return the enclosed form no later than June 29, 2018 directly to your CIF Section Office. Addresses of each section are listed on the back of the form. Please contact us if we can give you further information.

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

BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: _____

From: Kathy Wright, Director of Educational Services

Item #: 10.5

SUBJECT

Action: _____

Consent Action: X

Information Only: _____

Requesting the Board's approval to authorizing site principals at Delta HS and Rio Vista HS to authority to approve overnight travel within the state for athletic and academic programs for the 2018-2019 school year.

Background & Status:

Because of the many activities that require students to spend the night in the areas of athletics, FFA, JSA, and related events, it is sometimes impossible to get permission from the Board due to last minute changes by event organizers like FFA and CIF because of the timing of the Board meetings and notification of the changes. It is the intent of the principals to notify the office of the superintendent when all travel events requiring overnight travel are scheduled at least 24 hours in advance. This request is only for travel within the state of California, any travel outside the state will be brought before the Board as required by current policy.

Currently the Board requires approval of all overnight travel in the state of California.

Presenter:

Kathy Wright, Director of Educational Services

Cost &/or Funding Sources (be specific)

Recommendation:

That the board approves site principals to authorize overnight travel in the state of California for athletic and academic programs for the 2018-2019 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: May 8, 2018 Attachments: ___x___
From: Elizabeth Keema-Aston, Chief Business Officer Item Number: _10.6_

SUBJECT Contract with Ryland School Business Consulting for various Financial and Business Office Services
Action: ___
Consent Action: ___X___
Information Only: ___

Background:

In the past the district has used the consulting firm of Ryland School Business Consulting for assistance with various projects. They are a well-known and respected firm that provides services to many districts throughout Northern California.

Status:

This is an open agreement with Ryland School Service Consulting for various business and financial services on an as needed basis for FY 2018-19 not to exceed \$8,000.

Presenter: Elizabeth Keema-Aston, Chief Business Officer

Other People Who Might Be Present: N/A

Cost &/or Funding Sources

Unrestricted General Fund

Recommendation:

Request the Board to approve the contract with Ryland School Business Consulting For FY 2018-19.

Time: __5 mins.__



SCHOOL BUSINESS SERVICES CONTRACT

This contract is made by and between STLR Corp, dba RYLAND SCHOOL BUSINESS CONSULTING (Contractor) and the RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT. Contractor will provide financial and business office services (described more specifically below) as needed and directed by District staff. In consideration of the services provided, the RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT will pay to Contractor hourly fees of \$160 for professional services and for travel time. All charges, including expenses, will be approved by the Superintendent of the RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT. Expenses are defined as actual, out-of-pocket expenses, such as lodging, meals, telephone charges, express or overnight mail charges, etc. The District will be billed on a monthly basis for fees and expenses, not to exceed \$8,000. The term of this contract is twelve months.

RYLAND SCHOOL BUSINESS CONSULTING will provide general financial planning and business services to RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT and its districts which may include but are not limited to the following: business office assistance and training; budget development; year-end closing of the books; general financial analysis as needed for negotiations; charter school petition evaluation and fiscal viability analysis; documentation of procedures; development of financial strategies and analysis related to growth or decline; recommendations for board policy; preparation or review of short-term and long-term cash flow schedules; and presentations to the governing board.

It is expressly understood and agreed to by both parties that the Contractor, while carrying out and complying with any of the terms and conditions of this agreement, is a corporation licensed in California and not an employee of the District. This contract may be terminated by either party with 30 days' notice. In the case of early termination, RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT will be entitled to completion of all work in progress at its option, and RYLAND SCHOOL BUSINESS CONSULTING will be entitled to payment in full of all expenses and fees incurred.

AGREED:

Don Beno, Superintendent
RIVER DELTA JOINT UNIFIED SCHOOL DISTRICT

s/ Teresa R Ryland
President
RYLAND SCHOOL BUSINESS CONSULTING

Date

Date

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



BOARD AGENDA BRIEFING

Meeting Date: 5/8/18

Attachments: X

From: Nicholas Casey

Item Number: 10.7

SUBJECT

Request to declare as surplus non-operable technology equipment from inventory at D.H. White Elementary School and deem its value to be \$0.

Action: _____
Consent Action: X
Information Only: _____

Background:

The attached list of technology can no longer be used or updated to run any of our programs, nor can they access the internet.

Status:

D.H. White Elementary requests the permission of the RDUSD Board Of Education to surplus the attached list of old technology.

Presenter: Nicholas Casey, Principal

Other People Who Might Be Present:

Cost &/or Funding Sources

There is \$0 cost to the school or the district. All equipment will be sent to E-Waste if approved.

Recommendation:

Time: 5 mins.

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

445 Montezuma Street
Rio Vista, CA 94571-1651



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: _____

From: Laura Uslan – Delta High School Principal

Item Number: __10.8__

SUBJECT

Fundraiser requests for Delta High School Student Body groups.

Action: _____

Consent Action: __X__

Information Only: _____

Background:

Delta High School Associated Student Body requests the following fundraisers be approved:

- (1) Varsity Football and Varsity Baseball programs to sell shaved ice during after school athletic events for an expected revenue of \$500.00.
- (2) Football program to hold Junior Football Camp on 6/9/18 for an expected revenue of \$5000.00 to be used for program equipment.
- (3) AFS Club to solicit donations from local businesses to fund exchange travel during the 2018-19 school year for an expected revenue of \$500.00.

Status:

The fundraisers were approved by the Delta High School Associated Student Body Student Council at their meetings on April 4, 2018, and April 18, 2018.

Presenter: Laura Uslan, Principal

Other People Who Might Be Present:

Cost &/or Funding Sources

ASB Funds

Recommendation:

That the Board approve the Delta High School ASB Fundraiser Requests, as submitted and approved by Delta High School Associated Student Body.

Time: _____2 mins.____

BOARD OF TRUSTEES

RIVER DELTA UNIFIED SCHOOL DISTRICT

Meeting Date: May 8, 2018

Attachments: _____

From: Bonnie Kauzlarich, Dir. of Personnel

Item no. 10.9

SUBJECT **REQUEST FOR LEAVE OF ABSENCE MADE BY**
Betzabel Ortiz-Shelton

Action: _____

Consent: X

Background Betzabel Ortiz-Shelton, math teacher at Clarksburg Middle School, has requested a 50% leave of absence of her full-time position for the 2018-19 school year. The request for the leave is to spend time with her new baby, which is due at the end of the 2017-18 school year.

Status:

Presenter: Don Beno, Superintendent

Other People Who Might Be Present:

Cost &/or Funding Sources

Recommendation: That the Board approve the request the 50% leave of absence made by Betzabel Ortiz-Shelton for the 2018-19 school year.

Time: 2 mins

BOARD OF TRUSTEES

RIVER DELTA UNIFIED SCHOOL DISTRICT

Meeting Date: May 8, 2018

Attachments: _____

Item no. 10.10

SUBJECT **REQUEST FOR LEAVE OF ABSENCE MADE BY**
Megan Davis

Action: _____

Consent: ___X___

Background Megan Davis, Art teacher at Rio Vista High School, has requested a leave of absence for the 2018-19, which will go into effect once she has exhausted her baby bonding time. The request for the leave is to spend time with her new baby, which is due in July.

Status:

Presenter: Don Beno, Superintendent

Other People Who Might Be Present:

Cost &/or Funding Sources

Recommendation: That the Board approve the request for leave of absence made by Megan Davis for the 2018-19 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: May 8, 2018

Attachments: _____

From: Don Beno, Superintendent

Item Number: 10.11

SUBJECT Donations

Action: _____
Consent Action: x
Information Only: _____

Background:

Donations to Receive and Acknowledge:

Rio Vista High School – Class of 1968 Scholarship Fund

William Redding - \$100
Alan Andrew - \$200
Jerrie J. Giovannoni - \$200
Kimberly A. Korth - \$100
Susan B. Gascoigne - \$500
Jeffrey C. Dasch - \$1,000
Kathryn Cairns - \$100
David Silva - \$ 300
William Graves - \$25
Pamela Everitt - \$100
Charles Wayne Nelson - \$500

D.H. White Elementary School – ChromeBooks
Rio Vista Foundation - \$2,775

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.____

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



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: X

From: Don Beno, Superintendent

Item Number: 11

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 as of March 2018 as well as revised AR 5121.

Action: X

Consent Action:

Information Only:

Background:

Changes in legislation and amendments to laws lead to necessary/mandated changes in District policies, regulations and exhibits. AR 5121 has been revised to reflect the changes in our grading practices to align with the California Department of Education State Standards.

Status:

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to March 2018 which need to be approved for *first reading*.

These policies, etc., will be submitted for second reading for final approval at the June 12, 2018 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 March 2018 and AR 5121 as submitted.

Time: 5 mins.

POLICY GUIDE SHEET

March 2018

Page 1 of 3

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

BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Policy updated to list all state and federal programs subject to the uniform complaint procedures (UCP) as specified in the Federal Program Monitoring instrument, reflect **NEW LAW (AB 699)** which includes immigration status as a prohibited basis for discrimination, and reflect **NEW LAW (AB 365)** which authorizes the use of UCP for alleged noncompliance with certain educational rights of children of military families. Policy also revised to clarify that, although complaints of employment discrimination are not subject to UCP, the district has an obligation to investigate such complaints using other district procedures. Regulation updated to reflect a requirement in AB 365 that the annual UCP notice include the educational rights of children of military families. Regulation also clarifies that any individual, public agency, or organization may file a complaint alleging violation of law regarding applicable state or federal programs, and deletes references to Office of Civil Rights resources on sexual violence which have been withdrawn.

AR 3230 - Federal Grant Funds

(AR revised)

Regulation updated to clarify that any federal formula or discretionary grant funds awarded to the district, including a federally funded child nutrition program according to **NEW LAW (SB 544)**, must comply with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Regulation also reflects **NEW FEDERAL REGULATION** (82 Fed. Reg. 22609) which delays, until July 1, 2018, the date by which districts must comply with the procurement standards in the Uniform Guidance.

AR 3514.2 - Integrated Pest Management

(AR revised)

Regulation updated to clarify the applicability of integrated pest management requirements to child care facilities, delete an outdated date by which the annual training requirement became effective, and add requirement for pesticide-specific training. Regulation also reflects **NEW STATE REGULATION** (Register 2017, No. 45) which prohibits growers from making certain agricultural pesticide applications within one-quarter mile of a school site between 6:00 a.m. and 6:00 p.m. on weekdays and requires such growers to annually notify the principal regarding pesticides it expects to use during the year.

BP/AR 3551 - Food Service Operations/Cafeteria Fund

(BP/AR revised)

Policy updated to reflect **NEW LAW (SB 250)** which requires districts to make their meal charge policy public and ensure that students with unpaid meal fees are not shamed or treated differently than other students. Section on "Procurement of Foods, Equipment, and Supplies" reflects **NEW LAW (SB 730)** which requires the California Department of Education (CDE) to provide information about the Buy American provision, **NEW LAW (AB 822)** which requires a preference for California-grown agricultural products with specified exceptions, and **NEW LAW (SB 544)** which clarifies that procurements in federally funded nutrition programs are subject to the procurement standards of the federal Uniform Guidance. Regulation updated to reflect provisions of SB 250 which require districts to notify parents/guardians within 10 days of a negative balance in their child's school meal account and to exhaust all options to enroll the student in the free and reduced-price meal program if he/she is eligible. Regulation also adds new section reflecting **NEW LAW (SB 557)** which authorizes donation of unused, unopened foods to a food bank or other nonprofit charitable organization.

POLICY GUIDE SHEET

March 2018

Page 2 of 3

BP/AR 3553 - Free and Reduced Price Meals

(BP/AR revised)

Policy updated to reflect **NEW LAW (SB 138)** which requires districts to apply by September 1, 2018, for a federal universal meal service for "very high poverty schools," as defined, for the purpose of providing breakfast and/or lunch free of charge to all students enrolled at the school. An exception exists for districts whose board adopts a resolution stating the district is unable to comply due to fiscal hardship. Regulation updated to reflect a provision of SB 138 which requires direct certification of students' eligibility for free or reduced-price meals based on their Medi-Cal participation. In both BP and AR, section related to confidentiality and allowable purposes for sharing students' free and reduced-price meal eligibility information revised to reflect the elimination of Title I program improvement.

BP 4111/4211/4311 - Recruitment and Selection

(BP revised)

Policy updated to expand discussion of possible recruitment incentives, including subsidized housing programs for teachers and other employees and **NEW LAW (AB 99)** which establishes the California Educator Development grant program to assist districts with attracting and supporting the preparation and continued learning of teachers, principals, and other school leaders. Policy also reflects **NEW LAW (AB 168)** which prohibits districts from seeking salary history information about an applicant and from relying on salary history information as a factor in determining whether to offer employment or the salary to offer an applicant, unless the salary information is disclosable under state or federal law or the applicant voluntarily discloses the information without prompting.

BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment

(BP/AR revised)

Policy updated to provide a strong statement of the board's commitment to provide a safe work environment that is free of sexual harassment and intimidation and to align the process for filing complaints of sexual harassment with AR 4030 - Nondiscrimination in Employment. Regulation updated to reflect **NEW LAW (SB 396)** which requires districts to post a Department of Fair Employment and Housing poster on transgender rights and, if the district has 50 or more employees, to provide training to supervisors regarding harassment based on gender identity, gender expression, and sexual orientation.

AR 4161.1/4361.1 - Personal Illness/Injury Leave

(AR revised)

Regulation updated to reflect **NEW LAW (SB 63)** which extends the requirement to grant parental leave to an eligible employee for the purpose of bonding with a child after the birth, adoption, or foster care placement of the child to any district that employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed. Regulation also updated to reflect **NEW LAW (SB 731)** which entitles an employee who is a military veteran or current member of the California National Guard or federal reserve component to 10 days of additional sick leave for the purpose of undergoing medical treatment for a qualifying military service-connected disability, effective on either the date the U.S. Department of Veterans Affairs rates the employee's disability or on the first day the employee begins or returns to employment after active duty, whichever is later.

AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1556)** which deletes gender-specific references with regard to pregnancy disability leave and clarifies that all employees are protected against pregnancy discrimination regardless of their gender identity. Regulation also reflects **NEW LAW (SB 63)** which extends the requirement to grant parental leave to any district that employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

POLICY GUIDE SHEET
March 2018
Page 3 of 3

AR 4261.1 - Personal Illness/Injury Leave

(AR revised)

Regulation updated to reflect **NEW LAW (SB 63)** which extends the requirement to grant parental leave to any district that employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed. Regulation also updated to reflect **NEW LAW (SB 731)** which entitles an employee who is a military veteran or current member of the California National Guard or federal reserve component to 12 days of additional sick leave for the purpose of undergoing medical treatment for a qualifying military service-connected disability, effective on either the date the U.S. Department of Veterans Affairs rates the employee's disability or on the first day the employee begins or returns to employment after active duty, whichever is later.

BP/AR 5022 - Student and Family Privacy Rights

(BP/AR revised)

Policy updated to add options formerly in AR regarding the disclosure of students' personal information for marketing purposes. Policy also reflects state law which prohibits the collection of social security numbers or the last four digits of social security numbers for such purposes and **NEW LAW (AB 699)** which prohibits the collection of information regarding the citizenship or immigration status of students or their families. Regulation reflects **NEW LAW (AB 677)** which prohibits the removal of questions pertaining to sexual orientation and/or gender identity from a voluntary survey that already contains such questions.

BP/E 5145.6 - Parental Notifications

(BP/E revised)

Policy updated to reflect federal law applicable to districts participating in certain federal programs which requires that parental notifications be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand. Policy also revised to reflect state law requiring that parental notifications be written in the primary language, in addition to English, whenever 15 percent or more of the students enrolled in a school speak a single primary language other than English. Exhibit updated to reflect notices required by **NEW LAW**, including notices related to students' right to a free public education regardless of immigration status or religious beliefs (**AB 699**), the employee code of conduct related to employee interactions with students (**AB 500**), the district's meal payment policy (USDA Memorandum SP-23-2017), a student's identification as a long-term English learner (**AB 81**), a negative balance in a student's meal account (**SB 250**), educational rights of children of military families (**AB 365**), and any excessive level of lead found in drinking water (**AB 746**). Two legal cites renumbered pursuant to federal law and regulations.

BP 6162.5 - Student Assessment

(BP revised)

Policy updated to reflect **NEW LAW (AB 1035)** which addresses the use and purpose of interim and formative assessments that are part of the California Assessment of Student Performance and Progress, prohibits their use for high-stakes purposes as defined, and requires that teachers who administer the assessments have access to all pertinent functions and information.

BP/AR 6171 - Title I Programs

(BP revised)

Policy updated to address (1) the requirement to use federal Title I funds to supplement, not supplant, funds available from state and local sources; (2) use of the district's local control and accountability plan to fulfill requirements for the Title I local educational agency plan; and (3) methods for demonstrating the comparability of services between Title I and non-Title I schools. Regulation updated to reflect amendments by the Every Student Succeeds Act related to schoolwide programs, targeted assistance programs, and participation by private school students.

CSBA Sample Board Policy

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Pursuant to 5 CCR 4610, ~~districts are required to adopt a uniform system of procedures that meets~~ **the UCP must meet** specified requirements for investigating and resolving complaints alleging (1) noncompliance with state and federal laws and regulations governing educational programs; (2) noncompliance with state law prohibiting the charging of student fees; ~~or~~ **and** (3) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying). Although some bullying incidents may not fall within the provisions of 5 CCR 4610, BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve unlawful discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. In addition, state law authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students; educational rights of foster youth, homeless students, ~~and~~ former juvenile court school students, **and children of military families**; assignment of students to courses without educational content; and physical education instructional minutes, as specified in items #3 and #6-~~10-9~~ below. Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title II of the Americans with Disabilities Act (20 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such procedures to be "prompt and equitable." The factors OCR examines to evaluate each district's procedures are specified in the accompanying administrative regulation, including whether and how the procedures (1) provide notice of the procedures to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

UNIFORM COMPLAINT PROCEDURES (continued)

CSBA staff received feedback and comments from representatives of CDE and OCR regarding this policy and the accompanying administrative regulation. As a result, the sample policy and regulation have been drafted to go beyond the requirements of California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on the samples, **The following policy and accompanying administrative regulation reflect all components required by law and are consistent with CDE's Sample UCP Board Policies and Procedures and the FPM instrument.** CSBA believes that the additional details provided herein may help school districts and county offices of education during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

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

Complaints Subject to the UCP

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

Note: The FPM process includes a review of the district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Item #1 lists all programs identified on the FPM instrument and should be revised to reflect the programs offered by the district. If the district does not list all such programs in its policy, it is required to comment in the FPM which programs and activities are not in operation.

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, ~~after s~~**School e**Education and ~~s~~**Safety** programs, **agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, migrant education,** career technical and technical education and training programs, child care and development programs, child nutrition programs, **compensatory education, special education programs,** consolidated categorical aid programs, **Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs,** and any other district-implemented program which is listed in Education Code 64000(a) ~~(5 CCR 4610)~~

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5131.62 - Tobacco)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

Note: As amended by AB 699 (Ch. 493, Statutes of 2017), Education Code 200, 220, and 234.1 expressly include immigration status as a prohibited basis for discrimination in district programs and activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, **immigration status**, ethnic group identification, age, religion, marital **status**, pregnancy, ~~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 (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

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

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

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

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Item #5 below is ~~mandated~~ pursuant to Education Code 52075.

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

(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 6173.1 - Education for Foster Youth)

Note: Items #7-8 are for use by districts that maintain high schools.

As amended by AB 365 (Ch. 739, Statutes of 2017), Education Code 51225.1 and 51225.2 authorize the use of the UCP for any complaint alleging the district's noncompliance with specified educational rights of children of military families.

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, **a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school**, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

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

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

Note: Item #8 below is for districts maintaining high schools. Education Code 51225.1-51225.2, as amended by AB 2306 (Ch. 464, Statutes of 2016), provide that complaints of noncompliance with specified requirements related to the educational rights of former juvenile court school students, as defined, may be filed in accordance with the UCP.

8. ~~Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of~~

UNIFORM COMPLAINT PROCEDURES (continued)

~~credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board imposed graduation requirements (Education Code 51225.1, 51225.2)~~

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

(cf. 6152 - Class Assignment)

~~10. 9.~~ Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

Note: 5 CCR 4621 **mandates** that district policy ensure that complainants are protected from retaliation as specified in item #~~11-10~~ below.

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

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

~~12. 11.~~ Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following **optional** paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any

UNIFORM COMPLAINT PROCEDURES (continued)

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.

Note: The following paragraph is **mandated** pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

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

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to the UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints.

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

Note: ~~In addition to complying with item #3 below, a district is required to promptly investigate any allegation of discrimination in employment it receives, pursuant to 2 CCR 11023. For procedures related to complaints of discrimination in employment, see AR 4030 - Nondiscrimination in Employment.~~

- ~~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.~~

- ~~3.~~ **4. 3.** Any complaint alleging fraud shall be referred to the **Legal, Audits and Compliance Branch of the** California Department of Education.

Note: **Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing (DFEH). See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.**

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

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

~~In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve a~~ Any complaint related to sufficiency of textbooks or instructional

UNIFORM COMPLAINT PROCEDURES (continued)

aterials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments **shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures.** (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

33380-33384 California Indian Education Centers

35186 Williams uniform complaint procedures

44500-44508 California Peer Assistance and Review Program for Teachers

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49069.5 Rights of parents

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51223 Physical education, elementary schools

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

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52060-52077 Local control and accountability plan, especially:

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52462 Career technical education

52500-52616.24 Adult schools

54000-54029 Economic Impact Aid

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56865 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I basic programs

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

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

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

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

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

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

104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

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 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

WEB SITES

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

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

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

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

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

CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4687. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP).

Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, **and** former juvenile court school students, **and children of military families**; assignment of students to courses without educational content; and physical education instructional minutes, as specified in the accompanying Board policy.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 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 (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) 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 receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer."

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent
(title or position)
445 Montezuma Street, Rio Vista, CA 94571
(address)
(707) 374-1700
(telephone number)
UPC@rdusd.org
(email)

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

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

Note: 5 CCR 4621 **mandates** that the district's policy provide that employees responsible for compliance and/or for investigating and resolving complaints are knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful

UNIFORM COMPLAINT PROCEDURES (continued)

discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

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

Notifications

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

Note: 5 CCR 4622 ~~mandates~~ **requires** the district to include specified information in ~~the required~~ **its** annual **UCP** notice ~~of its UCP~~ to students, parents/guardians, employees, and others. Education Code 51225.1-51225.2, as amended by ~~AB 2306 (Ch. 464, Statutes of 2016)~~ **AB 365 (Ch. 739, Statutes of 2017)**, require that the notice include information about specified educational rights of ~~former juvenile court school students~~ **children of military families** who transfer into the district after their second year of high school. Districts that do not maintain high schools may revise the following paragraph to delete notification ~~of~~ **related to** the rights of **homeless students**, former juvenile court school students, **and children of military families**.

During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below. A sample of the annual notice is available through the CDE web site. In addition, 28 CFR 35.107, 34 CFR 106.8, and 34 CFR 110.25 require the district to publish its complaint procedures covering unlawful discrimination.

The Superintendent or designee shall annually provide written notification of the district's UCP ~~including~~ **to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. The notification shall include** information regarding **the prohibition of discrimination, harassment, intimidation, and bullying;** unlawful student fees;**;** local control and accountability plan (LCAP) requirements;**;** and requirements related to the educational rights of foster youth, homeless students, ~~and~~ former juvenile court school students, **and children of military**

UNIFORM COMPLAINT PROCEDURES (continued)

~~families 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, 48853, 48853.5, **49010**-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

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

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, as added by SB 1375 (Ch. 655, Statutes of 2016), on or before July 1, 2017, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3—Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

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

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District Sponsored Social Media)

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.

UNIFORM COMPLAINT PROCEDURES (continued)

~~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.~~

Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the complaint procedures as specified in items #1-4 below.

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.

UNIFORM COMPLAINT PROCEDURES (continued)

- d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
- e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

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

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

Note: Education Code 52075 requires that information regarding LCAP requirements be included in the district's annual notification. See BP/AR 0460 - Local Control and Accountability Plan for details of the LCAP and specific requirements for its adoption and implementation.

- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

Note: Pursuant to Education Code 48853, 48853.5, and 49069.5, as well as 51225.1-51225.2 as amended by **AB 2306 (Ch. 464, Statutes of 2016)**, **AB 365 (Ch. 739, Statutes of 2017)**, the UCP notice must include information regarding certain educational rights of foster youth, homeless students, **and** former juvenile court school students, **and children of military families**, as provided in items #4h and i below. Pursuant to Education Code 48853.5, CDE is required to develop a standardized notice of the rights of foster youth in consultation with the California Foster Youth Education Task Force, and to make it available for dissemination by posting it on its Internet Web site.

- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

UNIFORM COMPLAINT PROCEDURES (continued)

- i. A foster youth, homeless student, ~~or~~ former juvenile court school student, **or child of a military family** who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
 - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to **the** CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

Note: Pursuant to federal law, including 34 CFR 106.8, the district is required to establish "prompt and equitable" procedures for investigating and resolving complaints alleging unlawful discrimination. The following statement reflects OCR's interpretation of such provisions as requiring fairness and equity not just for a complainant but for a respondent as well.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with **the** CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

- k. The appeal to **the** CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

Note: **CDE staff will review the notice during the FPM process to** ~~Te~~ ensure that the public is made aware of ~~districts'~~ **the district's** obligation to provide copies of the UCP free of charge pursuant to 5 CCR 4622. ~~CDE staff review the notice during the FPM process.~~

- l. Copies of the district's UCP are available free of charge.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, as added by SB 1375 (Ch. 655, Statutes of 2016), on or before July 1, 2017, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

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

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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.

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

District Responsibilities

Note: 5 CCR 4631 requires that UCP complaints be investigated and completely resolved within 60 calendar days of the receipt of the complaint. Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

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)

Note: The following paragraph reflects recommendation by OCR to ensure equity in the resolution process of a complaint alleging unlawful discrimination and may be modified to reflect district practice.

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

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

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

All complainants shall be protected from retaliation.

Filing of Complaints

Note: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, he/she must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing ~~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~~ **the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP")** may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 **mandates** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees. Pursuant to Education Code 52075, anonymous complaints are permitted with regard to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
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.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: OCR's Revised Sexual Harassment Guidance, Dear Colleague Letter: Sexual Violence, and Questions and Answers on Title IX and Sexual Violence indicates 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. The OCR publications acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.**

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

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

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

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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)

Note: In determining the truth of any allegation, the district should apply the correct standard of proof to the situation. For example, with allegations of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) or retaliation, OCR uses the "preponderance of the evidence" (more likely than not) standard. Any standard of proof that is more rigorous than required by law could subject a district to liability.

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

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

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as

UNIFORM COMPLAINT PROCEDURES (continued)

described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

OPTION 2:

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

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

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

Note: Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report, and to file his/her complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination, to ensure the process is equitable for all involved. Districts that selected Option 1 should delete reference to filing of a complaint with the Board in the following paragraph.

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

Final Written Decision

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., an order that the alleged offender stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

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

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

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.

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

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

UNIFORM COMPLAINT PROCEDURES (continued)

- 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.

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

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

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

- a. The corrective actions imposed on the respondent

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

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

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with **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 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.

UNIFORM COMPLAINT PROCEDURES (continued)

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

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

UNIFORM COMPLAINT PROCEDURES (continued)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Note: In its ~~Dear Colleague Letter: Sexual Violence~~ from April 2011 and its ~~Questions and Answers on Title IX and Sexual Violence~~ from April 2014, OCR provides a detailed discussion of remedies for the broader campus community.

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.

Note: Generally, when a complaint is found to have merit, **an** appropriate **remedy** ~~corrective action~~ is provided to the complainant or other affected person. However, in certain instances, the law may require ~~corrective action~~ **a remedy** to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for elementary students' physical education, pursuant to Education Code 51223. Districts that do not maintain elementary schools should delete reference to physical education from the following paragraph.

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

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

UNIFORM COMPLAINT PROCEDURES (continued)

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that any complainant may appeal the district's decision to CDE, as provided below. Pursuant to Education Code 49013, the district is **mandated** to adopt procedures that include the right to appeal to CDE, in accordance with 5 CCR 4632, when a complainant is dissatisfied with the district's decision on his/her complaint alleging noncompliance with the law that prohibits districts from requiring students to pay fees, deposits, or charges for their participation in educational activities. Such procedures are also **mandated** by Education Code 52075 with regard to complaints alleging noncompliance with requirements related to the LCAP.

Authority to appeal the district's decision is also available to a complainant who alleges noncompliance with laws regarding (1) the provision of reasonable accommodation to a lactating student; (2) the educational rights of foster youth, homeless students, **and** former juvenile court school students, **and children of military families**; (3) the assignment of a high school student to a course without educational content; and (4) the required instructional minutes for elementary students' physical education, as specified in items #3 and #6-~~10~~ **9** of the accompanying Board policy.

Any complainant who is dissatisfied with the district's final written decision **of a complaint regarding any specified federal or state educational program subject to the UCP** may file an appeal in writing with ~~the~~ CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

Note: ~~Pursuant to 5 CCR 4632-4633, an appeal to the CDE is only available to a complainant who is dissatisfied with the district's decision. However, OCR has recommended that the district extend the same right to a respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) who is dissatisfied with the district's decision, to ensure fairness for all parties involved. Although not required pursuant to 5 CCR 4631-4633, OCR recommends that the right to appeal the district's decision to CDE be extended to the respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) to ensure fairness for all parties involved. The following paragraphs reflect OCR's recommendation.~~

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

Note: CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant alleges that he/she would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3230(a)

FEDERAL GRANT FUNDS

Note: The following administrative regulation reflects the major requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII, which governs the use of federal formula and discretionary grant funds awarded to districts. Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs.

Public Contract Code 20111, as amended by SB 544 (Ch. 395, Statutes of 2017), clarifies that districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326.

It is recommended that the district expand the following regulation and/or maintain a comprehensive procedures manual which contains internal controls and grant management standards used by the district to ensure the lawful expenditure of federal funds, including, but not limited to, procedures and protocols for cash management, procurement, inventory management, allowability of expenditures, "time and effort" reporting by personnel, and record retention.

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

Allowable Costs

Note: 2 CFR 200.302 **mandates** that districts develop written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. Districts may revise this section or their detailed procedures manual to reflect those requirements.

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

(cf. 3350 - Travel Expenses)

Note: Pursuant to Education Code 42126, which requires the Superintendent of Public Instruction to prescribe a uniform format for district budgets, districts are required to use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally

FEDERAL GRANT FUNDS (continued)

accepted accounting principles prescribed by the Governmental Accounting Standards Board. The California Department of Education's California School Accounting Manual provides guidance regarding coding of revenues and expenditures. **In March 2016, the State Board of Education approved recommended changes to the California School Accounting Manual that reflect and reflects** the Uniform Guidance.

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

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

Period of Performance

Note: Pursuant to 2 CFR 200.343, any federal funds that are not obligated or paid within the appropriate timeframes must be returned to the awarding agency. Thus, districts should closely monitor spending throughout the grant cycle.

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

Procurement

Note: 2 CFR 200.110, as amended by ~~80 Fed. Reg. 54407~~ **82 Fed. Reg. 22609**, authorizes districts to delay implementation of the procurement standards in the Uniform Guidance (2 CFR 200.317-200.326) until July 1, ~~2017~~ **2018** or such later date as may be approved in the Uniform Guidance. Districts that choose to delay implementation are **mandated by 2 CFR 200.110** to document this decision in their procurement policies **and should revise the following paragraph accordingly, as provided in the following paragraph.** ~~Other districts should delete the date in the following paragraph.~~

~~On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services. When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.326 and Appendix II of Part 200, or with any applicable state law or district policy that is more restrictive.~~

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives,

FEDERAL GRANT FUNDS (continued)

consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

Note: 2 CFR 200.318 **mandates** that districts have written procedures that address all applicable laws regarding the use of federal grant funds in procurement transactions. The U.S. Department of Education's (USDOE) Questions and Answers Regarding 2 CFR Part 200 clarifies that such procedures must address issues related to the bid process (e.g., source evaluation, protests, and claims) since 2 CFR 200.318 provides that the district is solely responsible for settlement of all contractual and administrative issues arising out **of** the procurement process.

The following list reflects major requirements contained in the Uniform Guidance. Districts may revise the following list or the district's comprehensive procedures manual to include additional detail, such as a description of the documents that will be used (e.g., purchase order, requisition), staff responsibilities, and the process for soliciting and receiving bids.

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

Note: 2 CFR 200.67 permits districts to establish simplified procurement procedures for "micro-purchases," **defined**, as described in item #1 below. Pursuant to 48 CFR 2.101, the threshold for such purchases is \$3,500 except as otherwise specified, and will be periodically adjusted for inflation. Use of the simplified procedures requires that the district determine the price to be "reasonable." According to the USDOE's Questions and Answers Regarding 2 CFR Part 200, a documented review of web sites would meet this requirement.

The "small purchases" limit under the Uniform Guidance (item #2 below) is \$150,000. However, the more restrictive California bid limits **in Public Contract Code 20111** and district procurement policies must be applied to define the "small purchase" requirements.

Any purchases above the California bid limits (see BP/AR 3311 - Bids) must follow California law.

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

FEDERAL GRANT FUNDS (continued)

3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

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

(cf. 3312 - Contracts)

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

Note: 2 CFR 200.213 restricts districts from procuring goods or services from entities that have been suspended or otherwise excluded from participation in federal assistance programs or activities. Districts may require certification of eligibility from the vendor or use the federal System for Award Management web site to determine whether a particular entity has been excluded.

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

Note: 2 CFR 200.319 **mandates** that districts have written procedures for procurement transactions that include the following components.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and,

FEDERAL GRANT FUNDS (continued)

when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

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

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

Capital Expenditures

Note: 2 CFR 200.313 and 200.439 require a district receiving federal grant funds to obtain prior written approval from the awarding agency before incurring the cost of a capital expenditure, as defined in 2 CFR 200.12 and 200.13. See AR 3512 - Equipment for further information about requirements related to equipment purchased with federal funds, including labeling, maintenance, and inventory of the equipment and continued use of the equipment after the program continues ceases to be supported by federal funds.

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

Conflict of Interest

Note: 2 CFR 200.318 mandates that districts maintain written standards of conduct covering conflicts of interest and the performance of employees engaged in the selection, award, and administration of contracts.

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them

FEDERAL GRANT FUNDS (continued)

has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

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

(cf. 9270 - Conflict of Interest)

Cash Management

Note: Pursuant to 2 CFR 200.302, districts are mandated to develop written procedures to implement the requirements of 2 CFR 200.305.
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The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

Note: Pursuant to 2 CFR 200.305, a district may be paid in advance by the awarding agency if it maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement by the district as well as financial management systems that meet the standards for fund control and accountability as established in the Uniform Guidance.

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

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

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

FEDERAL GRANT FUNDS (continued)

Personnel

Note: In order to charge staff compensation as an allowable expense of federal grant funds pursuant to 2 CFR 200.430, employees must document the amount of time they spend on grant activities supported by federal funds. These documents, known as "time and effort" records, are used to charge the costs of personnel compensation to federal grants. It is recommended that the district's administrative regulation reflect district practice for documenting time and effort, such as the type of documentation maintained, signature requirements, how often certifications will be completed, and review of the records by a supervisor.

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

Records

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

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Audits

Note: Pursuant to 2 CFR 200.501, districts that expend \$750,000 or more in federal grant funds during a fiscal year must have a single audit conducted in accordance with 2 CFR 200.514, unless it chooses to have a program-specific audit conducted in accordance with 2 CFR 200.507. The USDOE's Questions and Answers Regarding 2 CFR Part 200 confirms that compliance with the audit requirements in the Uniform Guidance (2 CFR 200.500-200.521) must begin with the audit of the district's first fiscal year starting on or after December 26, 2014. Thus, for districts whose fiscal year begins on July 1, the first audit subject to the Uniform Guidance would be for the fiscal year ending June 30, 2016. Pursuant to 2 CFR 200.512, the audit must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. For fiscal year ending June 30, 2016, the latest deadline is March 31, 2017. Districts that expend more than \$50 million in federal funds are subject to the requirements specified in 2 CFR 200.513. District audits are also subject to the requirements in Education Code 41020, the state Education Audit Appeal Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, and the California Department of Education Audit Guide. See BP/AR 3460 - Financial Reports and Accountability for further information about audit requirements.

Pursuant to 2 CFR 200.501, districts that expend less than \$750,000 in federal grant funds per fiscal year are

FEDERAL GRANT FUNDS (continued)

exempt from federal audit requirements but must make records available for review or audit by the awarding agency, the pass-through entity, and U.S. Government Accountability Office. Such districts may delete the following section.

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

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

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

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

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3514.2(a)

INTEGRATED PEST MANAGEMENT

Note: **The following administrative regulation reflects the Healthy Schools Act of 2000** (Education Code 17608-17614; **Food and Agriculture Code 13180-13188**), which encourages the use of effective, least toxic pest management practices for the control and management of pests on **school campuses district properties and require the identification of an integrated pest management (IPM) coordinator and/or school site designee to carry out program requirements.** The California Department of Pesticide Regulation (DPR) has established an **integrated pest management (IPM)** program for use by school districts, including a model program guidebook, a template for an IPM plan, and a web site containing a comprehensive directory of resources describing and promoting the use of IPM practices.

Definitions

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

(cf. 3510 - Green School Operations)

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

Program Components

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

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

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

INTEGRATED PEST MANAGEMENT (continued)

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

Note: Pursuant to Education Code 17610.5, certain pesticides are exempt from the notification, recordkeeping, and reporting requirements of Education Code 17611 and 17612. The exempted products are listed in 3 CCR 6147 **and on the DPR's web site.**

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)

Note: The following **section list** reflects IPM measures recommended by the DPR in its California School IPM Model Program Guidebook and **by the U.S. Environmental Protection Agency (EPA)** and **should may** be modified to reflect district practice.

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.
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.

INTEGRATED PEST MANAGEMENT (continued)

Note: Education Code 17610.1 prohibits districts from using certain pesticides identified by DPR or EPA that have been granted only a conditional or interim registration or an experimental use permit, have had their registration cancelled or suspended, or are being phased out of use. A list of pesticides prohibited for use on school sites can be found on DPR's web site.

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

6. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and **product** label directions ~~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 **as described in the section "Training" below.**
- 9. Evaluating the effectiveness of treatments to determine if revisions to the IPM plan are needed.**

Training

Note: SB 1405 (Ch. 848, Statutes of 2014) added Education Code 17614 and Food and Agricultural Code 13186.5 to require that, beginning July 1, 2016, the IPM coordinator and any employee or contractor who intends to apply a pesticide at a school site must annually complete a DPR approved training course.

Beginning July 1, 2016, ~~†~~The IPM coordinator and any employee or contractor who **intends may be designated** to apply a pesticide at a school site shall annually complete a DPR-approved training course on IPM and the safe use of pesticides in relation to the unique nature of school sites and children's health. (Education Code 17614; Food and Agricultural Code 13186.5)

(cf. 4231 - Staff Development)

INTEGRATED PEST MANAGEMENT (continued)

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

Notifications

Note: Education Code 17612 requires the district to annually issue a written notification to employees and parents/guardians containing the information specified in items #1-6 below; see E 4112.9/4212.9/4312.9 - Employee Notifications and E 5145.6 - Parental Notifications. A sample notification is available on the DPR web site. Education Code 17612 clarifies that the district is not required to issue the notice through first-class mail unless no other method is feasible. Pursuant to Education Code 17612 and 48980.3, the district may satisfy this requirement by including the notification in its annual parental notification.

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

1. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it
2. The Internet address (<http://www.cdpr.ca.gov/schoolipm>) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184

Note: As amended by SB 1405 (Ch. 848, Statutes of 2014), Education Code 17612 requires the notification to include the information specified in items #3-4 below.

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

INTEGRATED PEST MANAGEMENT (continued)

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)

Note: Pursuant to Education Code 17611.5, as added by SB 1405 (Ch. 848, Statutes of 2014), whenever a school chooses to use a pesticide that is not exempted under Education Code 17610.5, the IPM plan must be posted on the school 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 plan must be included in the annual parental notification issued pursuant to Education Code 17612 as described above. The following paragraph may be revised to reflect district practice.

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)

Note: Education Code 17612 exempts emergency conditions from strict compliance with the notification requirements. However, the IPM coordinator must make every effort to provide the required notification for an application of a pesticide under emergency conditions.

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

Note: Education Code 17612 requires posting of a warning sign in each area of a school site where pesticides will be applied. A sample warning sign can be found on the DPR web site.

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

INTEGRATED PEST MANAGEMENT (continued)

sign shall be posted at least 24 hours prior to the application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the following information: (Education Code 17612)

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

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

Records

Note: Food and Agricultural Code 13186 requires pest control operators to report the use of pesticides at a school site to the county agricultural commissioner or director. Pursuant to Education Code 17611, **as amended by SB 1405 (Ch. 848, Statutes of 2014)**, any pesticide use that is not included in the report submitted pursuant to Food and Agricultural Code 13186 must be reported to **the DPR** by the school designee as provided below. The form that must be used for this report is available on DPR's web site.

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 A school may meet this requirement** by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

INTEGRATED PEST MANAGEMENT (continued)

Pesticide Use near School Site

Note: 3 CCR 6690-6692, as added by Register 2017, No. 45, prohibit the operator of the property (i.e., the grower) from making certain agricultural pesticide applications within one-quarter mile of a school site Monday through Friday between 6:00 a.m. and 6:00 p.m. Exceptions may apply based on the type of pesticide used, the application equipment used, and scheduled closures of the school, unless alternative restrictions are specified in a written agreement between the principal, grower, and county agricultural commissioner. Pursuant to 3 CCR 6692, a grower must notify the principal by April 30 each year, or within 30 days of a new purchase or lease of a field, regarding the pesticides that it expects to use within one-quarter mile of the school site from July 1 of the current year through June 30 of the subsequent year. The grower may use pesticides not listed in the annual notification as long as it amends the notification at least 48 hours before use. The following section addresses actions that the school may take upon receiving such notification, and may be revised to reflect district practice. Questions regarding pesticide safety should be directed to the county agricultural commissioner.

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

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

Legal Reference: (see next page)

INTEGRATED PEST MANAGEMENT (continued)

Legal Reference:

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

BUSINESS AND PROFESSIONS CODE

8593.2 Licensed pest control operators; training requirements

FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

6250-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 3

6147 Pesticides exempted from registration requirements

6690-6692 Pesticide use near school sites

6724 Training of employees handling pesticides

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

Management Resources:

CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION PUBLICATIONS

California School IPM Model Program Guidebook

Healthy Schools Act Requirements for Public K-12 Schools

School District Integrated Pest Management Plan Template

U.S. ENVIRONMENTAL PROTECTION AGENCY

Protecting Children in Schools from Pests and Pesticides, 2002

Pest Control in the School Environment: **Adopting Implementing** Integrated Pest Management

(IPM), 1993-May 2017

WEB SITES

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

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

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

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

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: The following policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast program (42 USC 1751-1769j, 1773) are **mandated** to adopt policy addressing delinquent meal charges; see the section "Meal Sales" below and the accompanying administrative regulation.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to construct buildings. Revenues also may not be used to purchase land or buildings, unless otherwise approved by the USDA. Authorized expenditures are defined in the California Department of Education's (CDE) California School Accounting Manual.

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

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

Note: Pursuant to 42 USC 1776, the USDA has established minimum professional standards for food service personnel. With approval from the CDE, more flexible standards may be used in districts with average daily attendance of less than 500 or in districts of any size when hiring a new acting food services director. For more information about professional standards for food service directors, see CDE's **Nutrition Services Division** Management Bulletin SNP-17-2016.

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

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see the CDE's web site.

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

Meal Sales

Note: The following section may be revised by districts that have one or more high-poverty schools that operate under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school. For further information, see BP/AR 3553 - Free and Reduced Price Meals.

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

Note: The following paragraph is optional. Pursuant to Education Code 38082, the Governing Board may, by formal adopt a resolution, to authorize the serving of meals to additional persons other than those listed above. In CDE's Nutrition Services Division Management Bulletin No. 00-111, the CDE states that the Board's policy or resolution must specify the circumstances under which means for serving those other persons will be served and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals. **The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.**

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

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Board resolution, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. For information about setting prices for full-price meals, see 42 USC 1760 and CDE's **Nutrition Services Division** Management Bulletin USDA-SNP-16-2012.

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast program are **mandated** to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. Pursuant to CDE Management Bulletin SNP-03-2017, the district's unpaid meals policy must ensure that students with unrecovered or delinquent debt are not overtly identified. See the accompanying administrative regulation for additional language fulfilling this mandate. Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), districts must make the meal charge policy public.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments, and the Such procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures and related district policies to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public. The procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance, and shall not overtly identify students with unrecovered or delinquent debt or treat them differently than other students.

Note: Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, the district's unpaid meals policy must ensure that students with unrecovered or delinquent debt are not overtly identified. In addition, Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students.

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

Note: Education Code 49557 requires the Board to approve a plan that ensures students eligible to receive free or reduced-price meals are not treated differently from other students, including, but not limited to, assurance that eligible students will not be overtly identified by the use of special tokens, tickets, or any other means. For additional language addressing this requirement, see BP/AR 3553 - Free and Reduced Price Meals.

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

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.3 - Nondiscrimination/Harassment)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Cafeteria Fund

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

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

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Note: The following **optional** paragraph may be revised to reflect district practice. 2 CFR Part 200, Appendix VII and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

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

(cf. 3230 - Federal Grant Funds)

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

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

Note: The following section is **optional**. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

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

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Procurement of Foods, Equipment and Supplies

Note: The following **section is two paragraphs reflect requirements** for districts participating in the National School Lunch and/or Breakfast Program (~~42 USC 1751-1769j, 1773~~). Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. This provision indicates that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to USDA Memorandum SP-24-2016, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

Limited exceptions to the Buy American requirement are described in USDA Memorandum ~~SP 24 2016~~ **SP 38-2017**. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, as added by SB 730 (Ch. 571, Statutes of 2017), the CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

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

Note: The following paragraph reflects limited exceptions to the Buy American requirement, as described in USDA Memorandum SP 24 2016. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s):

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Pursuant to Food and Agriculture Code 58595, as added by AB 822 (Ch. 785, Statutes of 2017), a district that solicits bids for the purchase of an agricultural product must give preference for California-grown agricultural products, with certain conditions, as provided below.

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

Note: Pursuant to Public Contract Code 20111, as amended by SB 544 (Ch. 395, Statutes of 2017), districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

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

Program Monitoring and Evaluation

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

Note: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. Each district is reviewed at least once every three years. See the CDE's nutrition services web site for a current list of documents that may be requested for the review.

During the Administrative Review, CDE will review district policies on charge accounts, alternate meals, unpaid meal charges, and guidelines for continually notifying parents/guardians of these policies. USDA Memorandum SP 23 2017 adds a requirement to maintain and submit the district's policy on unpaid meal charges to the CDE during the Administrative Review.

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services
49550-~~49562~~ **49564.5** Meals for needy students

49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.318-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

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

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017

Management Resources continued: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Management Resources: (continued)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, NSD Management Bulletin USDA-SNP-06-2015, May 2015

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

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

~~Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, Management Bulletin USDA FDP-02-2010, August 2010~~

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

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

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

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016

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

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

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

WEB SITES

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

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

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: Districts that have one or more high-poverty schools operating under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school, should revise the following administrative regulation accordingly. Also see BP/AR 3553 - Free and Reduced Price Meals.

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) **Nutrition Services Division** Management Bulletin SNP-06-2015 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. **Payment policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.**

In addition to providing meals at no cost to students who are eligible, the district may offer meals at no cost to students who qualify for reduced-price benefits. Districts that choose to eliminate reduced-price meal charges may still claim the meals at the reduced-price rate, but the cost difference between the reduced-price meal and the no-cost meal must be covered by the district's cafeteria fund. Districts that choose to do so may modify the following paragraph accordingly. For more information, see the U.S. Department of Agriculture's (USDA) Memorandum SP 17-2014.

The following section includes recommendations of the CDE's **Nutrition Services Division** Management Bulletin and the USDA's "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

Note: The CDE's program monitoring process (the Administrative Review) requires districts to continually notify parents/guardians of district policies regarding meal payments, including charge accounts and alternate meals if applicable. Districts should, at a minimum, inform parents/guardians at the beginning of the school year and on an ongoing basis of district practices for students who have lost or forgotten their meal payment. In addition, districts should set up a **parent notification** system for **notifying parents/guardians** when a student's meal payment account has a low or negative balance.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

According to the USDA's Memorandum SP-23-2017, ~~beginning in the 2017-18 school year and each year thereafter,~~ the district's policy on delinquent meal payments must be communicated in writing to all households at the start of each school year and to households transferring to the school during the school year. CDE's **Nutrition Services Division** Management Bulletin SNP-03-2017 states that, at a minimum, districts should use the methods specified below to communicate the district's meal policy.

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

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

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Note: The following **optional** paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program ~~(42 USC 1751-1769j, 1773)~~ and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; (2) issues at least one advance warning to the student or his/her parent/guardian prior to refusing to issue a replacement ticket; and (3) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

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

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, shall not require a student to pay a bill that appears to be the result of identity theft, and shall open a new account with a new account number for a student who appears to be the subject of identity theft.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Note: Pursuant to CDE's **Nutrition Services Division** Management Bulletin SNP-03-2017, districts must ensure that students who are approved for reduced-price meals receive all meals that are paid for. Any excess payments must be either carried over or refunded to the parents/guardians. The following paragraph extends this provision to also apply to students paying for full-price meals.

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

Unpaid and Delinquent Meal Charges

Note: **The following section reflects requirements applicable to districts participating in the National School Lunch and/or Breakfast Program and may also be used by districts that do not participate in the program.**

Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast program are **mandated** to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. ~~Such policy may allow students to charge all types of reimbursable meals, impose a limit on charges, provide students paying full price with alternate meals, and/or allow neither meal charges nor alternative meals.~~ Such policy may be consistent for all students or vary by grade level. The following ~~paragraphs should~~ **section may** be revised to reflect district practice. ~~Also see the accompanying Board policy.~~

Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), the district must notify parents/guardians within 10 days of a negative balance in their child's school meal account. Prior to sending the notification to the parent/guardian, the district must exhaust all options and methods to certify the student for free or reduced-price meals. The district is required to reimburse

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

meal fees paid by the parent/guardian during any time that the student would have been eligible for free or reduced-price meals, to the extent that the expense is reimbursable under the National School Lunch Program.

At its discretion, the district may choose to also notify parents/guardians before the student's meal account reaches a negative balance. The following paragraph may be modified to reflect district practice.

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

~~Students and their parents/guardians shall be notified whenever their account has a low or negative balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.~~

~~In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.~~

Note: Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), prohibits the use of a debt collector to collect unpaid school meal fees.

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

Note: The following **optional** paragraph reflects CDE guidance in its **Nutrition Services Division Management Bulletin SNP-03-2017**.

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

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: CDE's **Nutrition Services Division** Management Bulletin SNP-03-2017 requires that the district's unpaid meal policy conform with the cost principles set forth in 2 CFR 200.426, as provided below.

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

Note: Pursuant to CDE's **Nutrition Services Division** Management Bulletins SNP 06-2015 and SNP-03-2017, delinquent debt must be reclassified as bad debt and written off as an operating loss if it is not paid by the end of the fiscal year in which the debt was incurred, unless the district enters into a repayment plan with the parent/guardian prior to the end of the fiscal year or the debt occurs fewer than 90 days prior to the end of the fiscal year. Federal funds are not available to reimburse the district for bad debt. Districts are required to maintain related records in accordance with 7 CFR 210.9 and 210.15.

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

Reimbursement Claims

Note: To streamline administration of state and federal meal programs, CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

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

Donation of Leftover Food

Note: The following section is optional and may be revised to reflect district practice. Health and Safety Code 114079, as amended by SB 557 (Ch. 285, Statutes of 2017), authorizes districts to provide "sharing tables" where food service staff, students, and faculty may return appropriate food items which may then be shared with other students or donated to a food bank or any other nonprofit charitable organization.

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

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

Cafeteria Fund

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

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

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

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

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

(cf. 3110 - Transfer of Funds)

Note: The following **optional** paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Pursuant to 7 CFR 210.7 and 220.14, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. The spending plan developed by the district under such circumstances must be approved by the CDE.

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

U.S. Department of Agriculture Foods

Note: The following **optional** section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, USDA must ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

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

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

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

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

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Contracts with Outside Services**

Note: The following **optional** section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

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

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

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

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

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

(cf. 4212 - Appointments and Conditions of Employment)

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to **low-income needy** students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program (**42 USC 1751-1769j, 1773**) may receive **a higher** reimbursement **rate** for free and reduced-price meals **at a higher rate** than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of the SBE before the start of the summer school session for which the waiver is sought. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

Student eligibility for free and reduced-price meals serves as the basis for identifying students as low income for a variety of purposes, including, but not limited to, state allocations of supplemental and concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).

The following policy is **mandated** for any district that authorizes employee access to students' free and reduced-price meal eligibility information for the disaggregation of academic achievement data and other specified purposes; see section "Confidentiality/Release of Records" below.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

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

FREE AND REDUCED PRICE MEALS (continued)

Note: Pursuant to 42 USC 1759a, eligible schools may apply to receive meal reimbursements under a universal meal service provision (e.g., the Community Eligibility Provision or Provision 2), which provides breakfast and/or lunch free of charge to all students enrolled at the school. Education Code 49564, as added by SB 138 (Ch. 724, Statutes of 2017), requires any district with a "very high poverty school," defined as one that qualifies to receive the free meal rate in the Community Eligibility Provision, to apply to CDE by September 1, 2018 to operate under any federal universal meal service provision. A district may be exempted from this requirement if the Governing Board adopts a resolution stating that it is unable to comply due to fiscal hardship.

If all district schools operate under a universal meal service provision, this policy and the accompanying regulation should be revised to delete references to reduced-price meals, student eligibility, and the application process.

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

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

Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 and Education Code 49430 and 49430.7, as described in AR 3550 - Food Service/Child Nutrition Program.

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

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

Note: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program or Summer Food Service Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following **optional paragraph is for use by districts that choose to provide free milk to eligible students.**

FREE AND REDUCED PRICE MEALS (continued)

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

Note: Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

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

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

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

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

(cf. 5125 - Student Records)

Note: The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the **Governing** Board. Districts wishing to use free and reduced-price meal records for the following purposes are **mandated** by Education Code 49558 to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

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

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

Note: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES. **In lieu of SES, beginning in the 2016-17 school year, districts are required pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan to provide alternative supports, defined and administered by the district, to eligible students (i.e., students who would have been eligible for**

FREE AND REDUCED PRICE MEALS (continued)

SES in schools with the greatest need). See BP/AR 0520.2— Title I Program Improvement Schools and BP 6179— Supplemental Instruction. Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316, CSBA believes that the use of free and reduced-price eligibility data would be necessary to implement Title I, Part A of the Elementary and Secondary Education Act, which provides financial assistance to meet the needs of students from low-income families, as well as other federal programs. and does not expressly authorize the use of free and reduced-price meal information to determine students' eligibility for alternative supports, CSBA believes that the use of such information would be necessary to determine student's eligibility for alternative supports. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

2. Identification of students eligible for alternative supports in any school identified as a Title I program improvement school services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576

(cf. 0520.2— Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

Note: According to CDE Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide only the student's name and eligibility status unless the applicant consents to the sharing of additional information.

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

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

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

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

FREE AND REDUCED PRICE MEALS (continued)

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

(cf. 5141.6 - School Health Services)

*Legal Reference:*EDUCATION CODE

48980 Notice at beginning of term

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

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-~~49562~~ **49564.5** Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6576 Elementary and Secondary Education Act

~~6301-6514 Title I programs~~

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

WELFARE AND INSTITUTIONS CODE

~~14005.41 Basic health care~~

Management Resources: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Management Resources:

CSBA PUBLICATIONS

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

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

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

NSD SNP 12 2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015

USDA SNP 07 2010 Change in Free and Reduced Price Meal Application Approval Process, September 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Direct Certification Implementation Checklist, May 2008

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

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

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

WEB SITES

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

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to low-income students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC ~~1758~~ **1751-1769j**, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish.

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

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

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

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph **is optional. may be revised to reflect district practice.** In addition to the paper application form described above, Education Code 49557, ~~as amended by SB 708 (Ch. 390, Statutes of 2015),~~ **authorizes districts to make the application for free or reduced-price meals available online, provided that it complies with specified requirements. Any such online application must comply with specific requirements, including, but not limited to, the provision of clear instructions for families that are homeless or are migrants.**

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

FREE AND REDUCED PRICE MEALS (continued)

Note: According to the U.S. Department of Agriculture's Eligibility Manual for School Meals: Determining and Verifying Eligibility, households enrolling a new student after the start of the school year must also be provided an application and related materials.

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

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

Eligibility

Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on CDE's web site.

Pursuant to 42 USC 1769c, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

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

Note: **In accordance with law, participants in certain state and federal programs are deemed to have met the income eligibility requirements of the free and reduced-price meal program and therefore may be directly certified as eligible without further action or additional application.** For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data.

Pursuant to 42 USC 1758 **and 7 CFR 245.6**, districts must directly certify for enrollment in the free and reduced-price meal program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 **and 7 CFR 245.6** also authorizes, but does not require, districts to directly certify **as eligible a any** student who is homeless, migratory, ~~or~~ a foster youth, **or enrolled in a Head Start program. Education Code 49562, as amended by SB 138 (Ch. 724, Statutes of 2017), also requires districts to use participation data in the Medi-Cal program to directly certify students as eligible for free and reduced-price meals, beginning with participation data from the 2017-18 school year as provided by CDE.**

~~For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil~~

FREE AND REDUCED PRICE MEALS (continued)

Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data. Pursuant to Education Code 49561 and 42 USC 1758, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

Pursuant to 42 USC 1759a, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

Verification of Eligibility

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

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

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

FREE AND REDUCED PRICE MEALS (continued)

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

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

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual **student** records ~~of students eligible for~~ **compiled in the administration of** the free and reduced-price meals program for the purpose of disaggregation of academic achievement data ~~and, although not expressly authorized by law, for the identification of students eligible for alternative supports in schools identified for program improvement and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.~~ See the accompanying Board policy ~~and BP/AR 0520.2—Title I Program Improvement Schools.~~ **The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.**

It is recommended that the district designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data ~~or for the identification of students who are eligible for alternative supports in a Title I program improvement school:~~ **and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.**

Administrative Assistant Federal & State Programs/Youth
(title or position)

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

FREE AND REDUCED PRICE MEALS (continued)

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

(cf. 5125 - Student Records)

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

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

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

Nondiscrimination Plan

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

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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

(cf. 3555 - Nutrition Program Compliance)

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

FREE AND REDUCED PRICE MEALS (continued)

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1758 and 1773.

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

(3/16 7/16) 3/18

CSBA Sample Board Policy

All Personnel

BP 4111(a)

4211

RECRUITMENT AND SELECTION

4311

Note: The following **optional** policy may be revised to reflect district practice and **any** related provisions of collective bargaining agreements.

The Governing Board should ensure that district hiring procedures are designed to **minimize avoid liability for negligent hiring** the possibility of hiring unsuitable or undesirable individuals to avoid liability for negligent hiring. In *C.A. v. William S. Hart Union High School District*, the California Supreme Court held that **defendant district could be a district can be held** vicariously liable for **the** negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The Governing Board is committed to employing suitable, qualified individuals to **effectively** carry out the district's **vision, mission, and goals.** to provide high quality education to its students and to ensure the efficiency of district operations.

(cf. 0000 - Vision)

(cf. ~~0100~~ **0200** - Goals for the School District)

(cf. 4000 - Concepts and Roles)

(cf. 4100 - Certificated Personnel)

(cf. 4200 - Classified Personnel)

(cf. 4300 - Administrative and Supervisory Personnel)

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

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

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

Note: The following **optional** paragraph should be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533), which allowed funding to be used for purposes of the Teaching as a Priority block grant including incentives to recruit or retain credentialed teachers in schools ranked in the bottom half of the Academic Performance Index, into the local control funding formula. At their discretion, districts may continue to offer incentives (e.g., signing bonuses, improved work conditions, additional compensation, housing subsidies) to recruit teachers, administrators, or other employees in accordance with district needs

RECRUITMENT AND SELECTION (continued)

~~With Board approval, the Superintendent or designee may provide incentives to recruit teachers, administrators, or other employees to work in low performing schools or in hard-to-fill positions.~~

~~(cf. 4113 - Assignment)~~

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

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

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

~~(cf. 2230 - Representative and Deliberative Groups)~~

~~During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination information prohibited by state or federal nondiscrimination laws.~~

Note: Labor Code 432.3, as added by AB 168 (Ch. 688, Statutes of 2017), prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 6250-6270) or the Freedom of Information Act (5 USC 552).

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

Note: The following paragraph should be modified to reflect district practice.

RECRUITMENT AND SELECTION (continued)

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

(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4112.2 - Certification)
(cf. 4112.22 - Staff Teaching English Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4312.1 - Contracts)

Incentives

Note: The district may offer incentives (e.g., signing bonuses, assistance with beginning teacher induction costs, assistance with the process of obtaining a clear credential including covering credential costs, a mentoring program, additional compensation, and/or subsidized housing) to recruit teachers, administrators, or other employees in accordance with district needs.

AB 99 (Ch. 15, Statutes of 2017) establishes the California Educator Development (CalED) grant program to assist districts with attracting and supporting the preparation and continued learning of teachers, principals, and other school leaders.

Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits.

The following optional section may be revised to reflect local incentive programs.

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

Legal Reference: (see next page)

RECRUITMENT AND SELECTION (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

35035 Responsibilities of superintendent

~~41530-41533 Professional Development Block Grant~~

44066 Limitations on certification requirement

44259 Teaching credential; exception; designated subjects; minimum requirements

~~44735 Teaching as a Priority block grant~~

~~44740-44741 Personnel management assistance teams~~

44750 Teacher recruitment resource center

44830-44831 Employment of certificated persons

44858 Age or marital status in certificated positions

44859 Prohibition against certain rules and regulations re: residency

45103-45139 Employment (classified employees)

49406 Examination for tuberculosis

GOVERNMENT CODE

815.2 Liability of public entities and public employees

6250-6276.48 Public Records Act

12900-12996 Fair Employment and Housing Act, including:

~~12940-12956~~ **12957** Discrimination prohibited; unlawful practices

HEALTH AND SAFETY CODE

53570-53574 Teacher Housing Act of 2016

LABOR CODE

432.3 Salary information

UNITED STATES CODE, TITLE 5

552 Freedom of Information Act

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigration related **employment** practices

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

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

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

~~2000h-2-2000h-6 Title IX, 1972 Education Act Amendments~~

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

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

Management Resources: (see next page)

RECRUITMENT AND SELECTION (continued)

Management Resources:

CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS

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

WEB SITES

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

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

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

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

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

Teach USA: ~~<http://www.calteach.org>~~ <https://culturalvistas.org/programs/us/teach-usa>

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

CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: Education Code 231.5 **mandates** the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. Pursuant to Government Code 12940 and 2 CCR 11009, ~~as amended by Register 2015, No. 50~~, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (~~42 USC 2000h-2 2000h-6~~ **20 USC 1681-1688**), as well as the California Fair Employment and Housing Act; (~~Government Code 12900-12996~~).

Pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

~~The Governing Board prohibits sexual harassment of district employees. The Board also prohibits~~ **The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and** retaliatory behavior or action against ~~district employees or other~~ **any** persons who complains, ~~testify~~ **testifies**, or otherwise participates in the complaint process established ~~pursuant to~~ **for the purpose of** this policy ~~and accompanying administrative regulation~~.

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

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

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

(cf. 4030 - Nondiscrimination in Employment)

SEXUAL HARASSMENT (continued)

Note: In addition to district ~~sanction against~~ **discipline imposed on** employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

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

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may ~~enable employers to reduce~~ **constitute mitigating factors in the assessment of** damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court ~~has held~~, in Burlington Industries v. Ellerth, **held** that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

Pursuant to Government Code 12950.1, employers with 50 or more employees are required to provide two hours of sexual harassment training to supervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

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

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

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

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

SEXUAL HARASSMENT (continued)

Note: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

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

Sexual Harassment Reports and Complaints

Note: Pursuant to 2 CCR 11034, as amended by Register 2015, No. 50, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023, as amended by Register 2015, No. 50, to instruct supervisors to report complaints.

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

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

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

SEXUAL HARASSMENT (continued)

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

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

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

~~Note: In addition to district sanction against employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

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

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

~~2000h-2-2000h-6 Title IX, 1972 Education Act Amendments~~

Legal Reference continued: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

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

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

~~106.9 Dissemination of policy~~

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

CSBA Sample Administrative Regulation

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, **as amended by Register 2015, No. 50**, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

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

Definitions

Note: In *Oncale v. Sundowner Offshore Services, Inc.*, the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

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

Note: Pursuant to Government Code 12940, conduct may meet the definition of sexual harassment regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.

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

SEXUAL HARASSMENT (continued)

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

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

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

Training

Note: The following paragraph is consistent with a district's affirmative duty to protect its employees from sex discrimination, including sexual harassment, pursuant to 2 CCR 11023, ~~as added by Register 2015, No. 50.~~ **In its informal guidance, Promising Practices for Preventing Harassment, the U.S. Equal Employment Opportunity Commission recommends that employers provide sexual harassment training to all employees, not just supervisors and managers.** In addition, since BP/AR 5145.7 - Sexual Harassment requires employees to report sexual harassment against students, training **such** employees to recognize and address sexual harassment incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.

SEXUAL HARASSMENT (continued)

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

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

Note: ~~The remainder of this section is for use by districts with 50 or more employees. Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. Additionally, provision of supervisor training may be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940.~~

Government Code 12950.1 requires **such** districts **with 50 or more employees** to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

~~Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment lawsuits. Additionally, The provision of supervisor training may also be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940. Therefore, it is recommended that all districts, regardless of the number of employees, provide sexual harassment training. Districts with fewer than 50 employees that do not provide sexual harassment training may revise the remainder of this section to reflect district practice.~~

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

SEXUAL HARASSMENT (continued)

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

(cf. 4300 - Administrative and Supervisory Personnel)

Note: Government Code 12950.1 and 2 CCR 11024, as amended and renumbered by Register 2015, No. 50, require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

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

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

SEXUAL HARASSMENT (continued)

6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

Note: Item #8 below is required pursuant to Government Code 12950.1, as amended by SB 396 (Ch. 858, Statutes of 2017).

8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

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

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11024 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

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

SEXUAL HARASSMENT (continued)

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop posters and an information sheets on employment discrimination and the illegality of sexual harassment. These documents are **This document is** available on DFEH's web site.

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

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

Note: Government Code 12950, as amended by SB 396 (Ch. 858, Statutes of 2017), requires districts to post, in a prominent and accessible location, a poster developed by DFEH regarding transgender rights. This poster is available on DFEH's web site.

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

CSBA Sample Administrative Regulation

Certificated Personnel

AR 4161.1(a)
4361.1

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

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

(cf. 4161/4261/4361 - Leaves)

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

Use of Sick Leave

Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

Certificated employees may use sick leave for absences due to:

PERSONAL ILLNESS/INJURY LEAVE (continued)

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

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

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

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

3. Personal necessity (Education Code 44981)

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

Note: **Optional** item #4 below may be revised as desired to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

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

Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items ~~#6-7~~ **#7-8** below.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item ~~#6~~ **7** below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item ~~#7~~ **8** below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

~~6-7.~~ **7.** Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

~~7-8.~~ **8.** Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items ~~#6-7~~ **7-8**, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

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

Note: The following paragraph is **optional**.

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

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

Note: The following **optional** paragraph may be revised to reflect district practice.

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

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

Note: Pursuant to Education Code 44979-44980, a certificated employee is entitled to have his/her accumulated sick leave transferred with him/her in the circumstances specified in the following **optional** paragraph.

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

Additional Leave for Disabled Military Veterans

Note: Education Code 44978.2, **as added by SB 1180 (Ch. 728, Statutes of 2016), as amended by SB 731 (Ch. 597, Statutes of 2017)**, provides that an employee **hired on or after January 1, 2017**, who is a **military veteran or a former or current member of the California National Guard or federal reserve component** with a **qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher)** is entitled to additional sick leave with pay for up to 10 days **for the purpose of undergoing medical treatment for** with a qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher). **As amended, Education Code 44978.2 provides that credit for such leave begins on either the effective date of the employee's disability rating decision from the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later.** Such leave may only be taken during the first year of employment for the purpose of undergoing medical treatment, as specified below.

In addition to any other entitlement for sick leave with pay, a **newly hired** certificated employee who is a **military veteran with former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component** a **military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs** shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, **including mental health treatment**, for **his/her** a **military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs**. An eligible employee **employed who works** less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)

PERSONAL ILLNESS/INJURY LEAVE (continued)

The amount of leave shall be credited to the employee **either** on the **first day of employment** ~~and shall remain available for the following 12 months of employment. Leave not used during the 12-month period shall not be carried over and shall be forfeited.~~ **date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives his/her disability rating decision, he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)**

Note: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

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

Notification of Absence

Note: The following **optional** section may be revised to reflect district practice.

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

(cf. 4121 - Temporary/Substitute Personnel)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 44977, an employee who is absent for up to five months after exhausting all his/her available sick leave must receive his/her regular salary minus the cost of a substitute. Option 1 below reflects this requirement. However, Education Code 44983 provides that Education Code 44977 does not apply to those districts that adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence. Option 2 below is for use by districts that choose to specify such a level of compensation; these districts are mandated to adopt a rule to this effect.

When an employee is absent for a period of more than five months, or is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from his/her salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations. **If not covered in the district's negotiated bargaining agreement, the district may add provisions to this section reflecting salary deductions for employees absent longer than five months.**

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent from his/her duties for an additional period of up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

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

Note: Option 2 below is **mandated** for use by districts that choose to provide employees at least 50 percent of their regular salary during the period of absence pursuant to Education Code 44983. The following paragraph specifies 50 percent and should be modified by districts that have set a higher percentage.

PERSONAL ILLNESS/INJURY LEAVE (continued)

Absence Beyond Five-Month Period/Reemployment List

Note: The following paragraph is required for districts that select Option 1 (i.e., differential pay) in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above and should be carefully considered by districts that select Option 2 (i.e., 50 percent pay). Education Code 44978.1 requires the establishment of a reemployment list for employees who are unable to resume their duties after the five-month period provided pursuant to Education Code 44977. Although Education Code 44978.1 does not explicitly require a reemployment list for districts selecting Option 2, such districts should be aware that failure to establish a reemployment list may subject employees to termination following a five-month absence.

Therefore, any district that selects Option 2 and currently maintains a reemployment list for employees who are absent beyond the five-month period, or that wishes to establish such a list, should consult legal counsel before changing its policy or practices.

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

(cf. 4116 - Probationary/Permanent Status)

Differential Pay for Parental Leave

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights. Pursuant to Education Code 44977.5, as amended by AB 2393 (Ch. 883, Statutes of 2016), the district is required to provide differential pay to a certificated employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding), pursuant to Government Code 12945.2 (California Family Rights Act). Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

As amended, Education Code 44977.5 provides that such parental leave will run concurrently with parental leave taken pursuant to Government Code 12945.2. However, unlike leave taken pursuant to Government Code 12945.2 or 12945.6, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

PERSONAL ILLNESS/INJURY LEAVE (continued)

During each school year, ~~any a~~ certificated employee ~~who has exhausted~~ **may use** all available sick leave, including accumulated sick leave, ~~and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay~~ **for the purpose of parental leave for a period** up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. **(Education Code 44977.5)**

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

Note: Pursuant to Education Code 44977.5, ~~as amended by AB 2393 (Ch. 883, Statutes of 2016),~~ the district is required to provide differential pay to a certificated employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave ~~for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding),~~ pursuant to Government Code 12945.2 ~~(California Family Rights Act).~~ Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

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

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

Verification Requirements

Note: Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-

PERSONAL ILLNESS/INJURY LEAVE (continued)

recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in **negotiated bargaining** agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items **#6-7 7-8** in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

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

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

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

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

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

(cf. 4032 - Reasonable Accommodation)

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

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

PERSONAL ILLNESS/INJURY LEAVE (continued)

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident, or quarantine
44965 Granting of leaves of absence for pregnancy and childbirth
44976 Transfer of leave rights when school is transferred to another district
44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
44978 Provisions for sick leave of certificated employees
44978.1 Inability to return to duty; placement in another position or on reemployment list
44978.2 Leave for military service connected disability
44979 Transfer of accumulated sick leave to another district
44980 Transfer of accumulated sick leave to a county office of education
44981 Leave of absence for personal necessity
44983 Exception to sick leave when district adopts specific rule
44984 Industrial accident or illness
44986 Leave of absence for disability allowance applicant

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

220 Sections inapplicable to public employees
230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
233 Illness of child, parent, spouse or domestic partner
234 Absence control policy
245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

Legal Reference continued: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

CSBA Sample Administrative Regulation

All Personnel

AR 4161.8(a)

4261.8

4361.8

FAMILY CARE AND MEDICAL LEAVE

Note: The following **optional** administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under California law, **a female an** employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

As amended by **AB 1556 (Ch. 799, Statutes of 2017), Government Code 12945 and 12945.2 delete references to females with regard to pregnancy disability leave and clarify that all employees are protected against pregnancy discrimination regardless of their gender identity.**

The district shall not deny any eligible employee **his/her the** right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) **or nor** restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful district practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in *loco parentis*, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

FAMILY CARE AND MEDICAL LEAVE (continued)

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~~ **an employee whose** health care provider **states that the employee** is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of **her the** job or to perform any of them without undue risk to **herself the employee or other persons or to her the** 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

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)

Note: 2 CCR 11087, effective July 1, 2015, clarifies that a "serious health condition" could arise from injuries that are not work related and includes treatment for substance abuse.

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.

FAMILY CARE AND MEDICAL LEAVE (continued)

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

Note: Family Code 300, as amended by SB 1306 (Ch. 82, Statutes of 2014), defines marriage as a personal relationship arising out of a civil contract between "two persons" rather than between a man and a woman. In addition, pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses.

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

Note: Pursuant to Government Code 12945.2 and 29 USC 2611, a district is required to grant family care and medical leave to an eligible employee for any of the reasons stated below, except **These requirements generally apply to circumstances** where the district employs **fewer than 50 or more** employees within 75 miles of the worksite where the employee requesting the leave is employed. **Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.**

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, **12945.6**; 29 USC 2612; 29 CFR 825.112)

FAMILY CARE AND MEDICAL LEAVE (continued)

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 parental leave**)
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position

Note: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, son, daughter, or parent who is a military member is on covered active duty during deployment to a foreign country. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

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)

Note: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. 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

Note: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any **female** employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

Note: Leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would be 12 work weeks.

AR 4161.8(e)
4261.8
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FAMILY CARE AND MEDICAL LEAVE (continued)

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)

Note: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. **Whichever option is selected, it must be applied uniformly to all employees.** If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

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)

Note: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months.

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)

Note: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, ~~a female an~~ employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of ~~her a~~ child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

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)

Note: The following **optional** paragraph is for use by districts that **choose to** limit family care and medical leave related to the birth or placement of a child to a total of 12 work weeks when both parents work for the district, **as authorized by Government Code 12945.2 and 12945.6**. However, pursuant to 2 CCR 11088, such limit on employees' entitlement to family care and medical leave for any other qualifying purpose is prohibited.

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2, **12945.6**; 2 CCR 11088; 29 USC 2612)

Use/Substitution of Paid Leave

Note: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee. The district and employee may also negotiate for the employee's use of any paid or unpaid time off instead of using the employee's CFRA 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, **12945.6**; 2 CCR 11044; 29 USC 2612)

Note: The following paragraph is for use with either option above.

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)

FAMILY CARE AND MEDICAL LEAVE (continued)

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (2 CCR 11042, 11090; 29 USC 2612)

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

Note: Pursuant to 2 CCR 11090, Generally, the minimum duration of CFRA **parental** leave ~~to care for a child for the birth, adoption, or foster care placement of a child (baby bonding)~~ is **generally** two weeks. However, pursuant to 2 CCR 11090, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, **adoption**, or **foster care** placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

Note: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

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.~~ **under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)**

- 1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.**

Note: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

- 2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.**

FAMILY CARE AND MEDICAL LEAVE (continued)

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

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

Note: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. **Effective July 1, 2015, 2 CCR 11091 requires the district to respond to leave requests as soon as practicable and, in any event, no later than five business days after receiving the employee's request. The district must also attempt to respond to the leave request before the date the leave is due to begin.** If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, 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)

Note: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

FAMILY CARE AND MEDICAL LEAVE (continued)

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to 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)

Note: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for **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

Note: The following **optional** section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL or family care and medical leave for his/her own serious health condition or to care for a child, parent, or spouse with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this section should request a medical certification from all employees.

Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050 or 11097, as applicable.

FAMILY CARE AND MEDICAL LEAVE (continued)

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

Note: Item #3 below addresses an eligible employee's request for leave to care for his/her child, parent, or spouse. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved.
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3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

FAMILY CARE AND MEDICAL LEAVE (continued)

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)

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 the employee** is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

FAMILY CARE AND MEDICAL LEAVE (continued)

Note: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit employers from requesting or requiring genetic information of employees or family members of employees unless specifically authorized by law. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

Release to Return to Work

Note: The following **optional** section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from his/her health provider, stating that he/she is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, **the fitness-for-duty examination is job related and consistent with business necessity**, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Effective July 1, 2015, 2 CCR 11091 requires all fitness for duty examinations after an employee's return from a CFRA leave to be job related and consistent with business necessity.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the essential functions of his/her job with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work. **The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.**

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

Rights to Reinstatement

Note: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position when he/she returns from such leave. However, such an employee has no greater right to reinstatement or other benefits than he/she would have if he/she had been continuously employed. In addition, in certain situations described below, the district may be relieved of the obligation to reinstate an employee.

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4261.8
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FAMILY CARE AND MEDICAL LEAVE (continued)

The process for determining whether an employee is a "key employee" to whom the guarantee of reinstatement would not apply requires a detailed analysis and specific notifications to the employee. Legal counsel should be consulted if the district intends to deny leave or reinstatement.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)
(cf. 4217.3 - Layoff/Rehire)

Note: Pursuant to 2 CCR 11089, as amended by Register 2015, No. 17, and 29 CFR 825.216, an employee who obtains FMLA or CFRA leave fraudulently is not protected by its job restoration provisions.

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)

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4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Note: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion **of** the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

Note: The following **optional** section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to the U.S. Department of Labor's (DOL) [Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers](#), an employee may take all 12 weeks of his/her FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

Because CFRA does not cover similar leave, CFRA leave is not exhausted when utilizing military family leave.

FAMILY CARE AND MEDICAL LEAVE (continued)

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)

Note: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "any other event" agreed to by the district and the employee. As an example of such other event, the DOL's [Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers](#) lists leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, **R**est and **R**ecuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

FAMILY CARE AND MEDICAL LEAVE (continued)

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)

Note: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is **optional** and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of 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

Note: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. As is the case with other FMLA leaves, only districts that employ at least 50 employees within 75 miles of the worksite where the employee requesting the leave is employed are required to grant the military caregiver leave; see the section entitled "Eligibility" above.

FAMILY CARE AND MEDICAL LEAVE (continued)

According to the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Note: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "son or daughter," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

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)

FAMILY CARE AND MEDICAL LEAVE (continued)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Note: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for <i>veterans</i> , as provided below. Pursuant to 29 CFR 825.127, one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to qualify as a "serious injury or illness" for the purpose of this leave.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
 - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

AR 4161.8(s)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Note: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 and 825.303 require the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

Note: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is **optional**. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

Note: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to the DOL's [Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers](#), an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other 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)

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of 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.

FAMILY CARE AND MEDICAL LEAVE (continued)

Notifications

Note: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

2 CCR 11095, as amended by Register 2015, No. 17, authorizes districts to meet the notice posting requirement through electronic posting and further clarifies the requirement for translation of the notice when 10 percent or more of the workforce at any facility are persons with a primary language other than English. Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. **General Notice:** Information explaining the provisions of the 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)

Note: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following **optional** paragraph is for use by districts that require employees to provide advance notice.

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)

FAMILY CARE AND MEDICAL LEAVE (continued)

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

Note: Item #3b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's 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

FAMILY CARE AND MEDICAL LEAVE (continued)

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)

Note: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

Note: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

FAMILY CARE AND MEDICAL LEAVE (continued)

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*

12945.6 Parental leave

12946 *Fair Employment and Housing Act: discrimination prohibited*

CODE OF REGULATIONS, TITLE 2

11035-11051 *Sex discrimination: pregnancy, childbirth and related medical conditions*

11087-11098 *California Family Rights Act*

UNITED STATES CODE, TITLE 1

7 *Definition of marriage*

UNITED STATES CODE, TITLE 29

2601-2654 *Family and Medical Leave Act of 1993, as amended*

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 *Family and Medical Leave Act of 1993*

COURT DECISIONS

United States v. Windsor, (2013) 699 F.3d 169

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

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>

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CSBA Sample Administrative Regulation

Classified Personnel

AR 4261.1(a)

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

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

Use of Sick Leave

Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

A classified employee may use sick leave for absences due to:

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

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

3. Personal necessity as specified in Education Code 45207

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

Note: **Optional** item #4 below may be revised to specify a different minimum increment.

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

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

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

Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items **#6-7 7-8** below.

PERSONAL ILLNESS/INJURY LEAVE (continued)

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item #~~6~~ **7** below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item #~~7~~ **8** below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

- ~~6~~ **7**. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)
- ~~7~~ **8**. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #~~6~~ ~~7~~ **7-8**, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is **optional**.

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

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

Note: Pursuant to Education Code 45202, a classified employee who is terminated after at least one year of employment for any reason unrelated to discipline is entitled to have his/her accumulated sick leave transferred with him/her in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is **optional** and may be revised to reflect district practice.

PERSONAL ILLNESS/INJURY LEAVE (continued)

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

Note: Education Code 45191.5, **as added by SB 1180 (Ch. 728, Statutes of 2016), as amended by SB 731 (Ch. 597, Statutes of 2017)**, provides that an employee **hired on or after January 1, 2017, who is a military veteran or is a former or current member of the California National Guard or federal reserve component** with a qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher) is entitled to additional sick leave with pay for up to 12 days **for the purpose of undergoing medical treatment for a qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher).** **As amended, Education Code 45191.5 provides that credit for such leave begins on the effective date of the employee's disability rating decision from the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. Such leave may only be taken during the first year of employment for the purpose of undergoing medical treatment, as specified below.**

In addition to any other entitlement for sick leave with pay, a **newly hired** classified employee who is a **military veteran with former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component** a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, **including mental health treatment**, for **his/her a** military service-connected disability **rated at 30 percent or higher by the U.S. Department of Veterans Affairs.** An eligible employee **employed who works** less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 45191.5)

The amount of leave shall be credited to the employee **either** on the **first day of employment** and shall remain available for the following 12 months of employment. Leave not used during the 12-month period shall not be carried over and shall be forfeited. **date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later.** When the employee receives his/her disability rating decision, he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day

PERSONAL ILLNESS/INJURY LEAVE (continued)

maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

Note: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

Leave for military-service connected disability shall ~~remain be~~ available for the following 12 months of employment **following the first date that the leave was credited.** Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

Note: The following **optional** section may be revised to reflect district practice.

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

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 45196, a district is authorized to pay any employee who has exhausted his/her paid leaves his/her salary minus the actual pay received by a substitute for the remainder of a five-month absence to which the employee is entitled (Option 1 below). Alternatively, such an employee may be compensated at 50 percent or more of his/her salary for up to 100 working days, regardless of whether or not a substitute is hired (Option 2 below).

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

PERSONAL ILLNESS/INJURY LEAVE (continued)

Note: In 53 Ops.Cal.Atty.Gen. 111 (1970), the Attorney General clarified that a classified employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.

In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

PERSONAL ILLNESS/INJURY LEAVE (continued)**Differential Pay for Parental Leave**

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights. Pursuant to Education Code 45196.1, as added by AB 2393 (Ch. 883, Statutes of 2016), the district is required to provide differential pay to a classified employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding), pursuant to Government Code 12945.2 (California Family Rights Act). Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

Education Code 45196.1 provides that such parental leave will run concurrently with parental leave taken pursuant to Government Code 12945.2. However, unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12 month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

During each school year, any classified employee who has exhausted may use all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. **(Education Code 45196.1)**

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for parental leave pursuant to Education Code 45196.1 such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

Note: Pursuant to Education Code 45196.1, as added by AB 2393 (Ch. 883, Statutes of 2016), the district is required to provide differential pay to a classified employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding), pursuant to Government Code 12945.2 (California Family Rights Act). Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

PERSONAL ILLNESS/INJURY LEAVE (continued)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code 45196.1)

Such ~~p~~Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

Note: Education Code 45191 **mandates** the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in **negotiated bargaining** agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes

PERSONAL ILLNESS/INJURY LEAVE (continued)

specified in Labor Code 246.5 (items #6-7 7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

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

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

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

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

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

(cf. 4032 - Reasonable Accommodation)

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

PERSONAL ILLNESS/INJURY LEAVE (continued)

Short-Term and Substitute Employees

Note: Pursuant to Labor Code 245-249, the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of his/her employment. In implementing this requirement, Labor Code 246 permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of his/her employment. Option 3 is for any district that credits employees with 24 hours of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional requirements.

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to all the above options.

PERSONAL ILLNESS/INJURY LEAVE (continued)

Any short-term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

Note: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

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

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days

PERSONAL ILLNESS/INJURY LEAVE (continued)

- b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
- 2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 - 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

- 4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45191.5 Leave for military service connected disability

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45196.1 Differential pay during parental leave up to 12 weeks after sick leave is exhausted

45202 Transfer of accumulated sick leave and other benefits

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 *Ops.Cal.Atty.Gen.* 111 (1970)

CSBA Sample Board Policy

Students

BP 5022(a)

STUDENT AND FAMILY PRIVACY RIGHTS

Note: 20 USC 1232h, the Protection of Pupil Rights Act (PPRA), **mandates** that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for additional requirements pertaining to these topics.

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. ~~The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.~~

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.8 - Research)

~~Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students~~
The Superintendent or designee may collect, disclose, or use students' personal information for the **exclusive** purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

5. The sale by students of products or services to raise funds for school-related or education-related activities

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Note: 20 USC 1232h mandates that districts adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by districts that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by districts that choose to authorize the collection of personal information for marketing purposes.

OPTION 1:

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

Note: Although 20 USC 1232h authorizes the collection, disclosure, or use of students' personal information, including social security numbers, for the purpose of marketing or selling, Education Code 49076.7 prohibits the collection of social security numbers or the last four digits of social security numbers unless otherwise required to do so by state or federal law. The collection of personal information for marketing purposes is not required by law, and thus districts should not collect social security numbers or the last four digits of social security numbers for marketing purposes.

In addition, pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are prohibited from collecting information or documents regarding citizenship or immigration status of students or their families.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

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

20 USC 1232h requires that the district's policy regarding student privacy be developed in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph may be modified to reflect district practice.

The **Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which** shall, at a minimum, address the following: (20 USC 1232h)

1. ~~Whether the district may collect personal information of students for marketing or sale.~~ **Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose**
2. ~~How the district will administer~~ **Arrangements to protect student privacy in the administration of** surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect **the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:**
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
4. ~~Whether the district may administer any nonemergency invasive~~ **Any nonemergency physical examinations or screenings that the school may administer**
5. ~~Notifications that the district will provide to students and parents/guardians with respect to their privacy rights~~

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committee)

(cf. 1230 - School-Connected Organizations)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Note: 20 USC 1232h mandates that the district's policy provide for reasonable notice to parents/guardians of the adoption or continued use of this policy. See the accompanying administrative regulation for additional requirements pertaining to the timing and content of such notice.

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

~~The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)~~

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

CSBA Sample Administrative Regulation

Students

AR 5022(a)

STUDENT AND FAMILY PRIVACY RIGHTS

~~Collection of Personal Information for Marketing or Sale~~

[SECTION MOVED TO BP]

Surveys Requesting Information about Beliefs and Practices

Note: Education Code 51513 provides that districts shall not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent (i.e., "active consent"). The following paragraph regarding surveys is for use by all districts and is **mandated**, pursuant to 20 USC 1232h, for districts receiving funds from a program administered by the **U.S. Department of Education** (USDOE).

A student's parent/guardian, **or a student who is an adult or emancipated minor**, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Note: Pursuant to 20 USC 1232h, districts receiving funds from a USDOE-administered program are **mandated** to adopt a policy regarding the district's arrangements to protect student privacy in the event that a student participates in a survey requesting information about beliefs and practices as defined above.

If a student participates in **such** a survey requesting information about **personal** beliefs and practices ~~as identified above~~, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Note: ~~The following paragraph is optional.~~ Education Code 51938 creates an exception to the ~~above~~ requirements **for prior written consent** by authorizing districts to **for districts that** administer to students in grades 7-12 anonymous, voluntary surveys regarding student health behaviors and risks upon providing written parent/guardian notification and allowing a parent/guardian to opt his/her child out of participation (i.e., "passive consent"). See sections below entitled "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications."

Notwithstanding the above requirements **for prior written consent**, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

Note: Pursuant to Education Code 51514, as added by AB 677 (Ch. 744, Statutes of 2017), districts that administer a voluntary survey that includes questions pertaining to sexual orientation and/or gender identity are prohibited from removing such questions.

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

Parent/Guardian Access to Surveys and Instructional Materials

Note: 20 USC 1232h **mandates** that districts receiving funds from a USDOE-administered program adopt a policy detailing a parent/guardian's right to inspect (1) survey instruments requesting information about the parent/guardian's or his/her child's personal beliefs and practices and (2) instructional materials used as part of the educational curriculum of the parent/guardian's child, as specified below. Under California law, Education Code 51101 authorizes parental inspection of instructional materials; see AR 5020 - Parent Rights and Responsibilities. In addition, pursuant to Education Code 51938, districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks must allow parents/guardians the opportunity to review the instrument and to request that their child not participate.

Pursuant to 20 USC 1232h, those districts that authorize the collection of personal information for marketing or sale (Option 2 in the ~~section "Collection of Personal Information for Marketing or Sale" above~~

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

accompanying Board policy) are **mandated** to adopt a policy concerning a parent/guardian's right to inspect any instrument used for the collection of a student's personal information for purposes of marketing or selling the information.

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Note: 20 USC 1232h **mandates** districts receiving funds from a USDOE-administered program to adopt a policy which includes procedures for providing parents/guardians reasonable access to surveys, instruments, and instructional materials within a reasonable amount of time after the request has been received. The following paragraph may be modified to reflect the district's definition of a reasonable timeline and reasonable access.

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

Note: The following paragraph is **optional** ~~and may be revised to reflect district practice.~~

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Note: 20 USC 1232h **mandates** a district receiving funds from a USDOE-administered program to adopt a policy on ~~any nonemergency invasive~~ **certain** physical examinations or screenings **that the school may administer to students.** ~~that may be administered to district students.~~ **The administration of nonemergency, invasive physical examinations requires prior parental notification, as provided below. This requirement does not apply to any physical examination or screening that is permitted without parental notification by an applicable state law.**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, **unless an applicable state law authorizes the student to provide consent without parent/guardian notification.** (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.3 - Health Examinations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

Notifications

Note: 20 USC 1232h requires that districts receiving funds from a USDOE-administered program notify parents/guardians of the following. **A sample notification letter is available on the web site of the USDOE's Family Policy Compliance Office.**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this **policy and** administrative regulation **and the accompanying Board policy**
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical examinations or screenings

Note: Item #c below is for districts that permit the collection of personal information for marketing or sale (Option 2 in the **section "Collection of Personal Information for Marketing or Sale" above accompanying Board policy**).

- c. Collection of personal information from students for marketing or sale

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

~~Note: Education Code 51938 requires that districts administering anonymous, voluntary surveys regarding health behaviors and risks to students in grades 7-12 first provide parents/guardians with written notice. The following **optional** paragraph is for use by districts that choose to administer such surveys with "passive consent," as specified in the section "Surveys Requesting Information about Beliefs and Practices" above.~~

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

CSBA Sample Board Policy

Students

BP 5145.6(a)

PARENTAL NOTIFICATIONS

The Governing Board ~~recognizes that notifications are essential to~~ **desires to promote** effective communication between the school and the home **and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians.** The Superintendent or designee shall send ~~students and parents/guardians~~ **and students** all notifications required by law, ~~including notifications about their legal rights,~~ and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

Note: Education Code 48981 and 48982, as amended by AB 2262 (Ch. 17, Statutes of 2012), authorize annual parental notifications to be sent electronically upon request, as provided below.

~~The notice required pursuant to~~ **Notice of the rights and responsibilities of parents/guardians as specified in** Education Code 48980 shall be sent at the beginning of each academic year and may be provided ~~either~~ by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used ~~to communicate with parents/guardians in writing by the district for written communication with~~ **parents/guardians.** (Education Code 48981, ~~48982~~)

~~If any activity specified in Education Code 48980 will be undertaken by any school during the forthcoming school term, the notice shall state that fact and the approximate date on which any such activity will occur.~~ No such activity **specified in Education Code 48980** shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. **Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur.** (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Note: The following optional paragraph may be revised to reflect district practice.

PARENTAL NOTIFICATIONS (continued)

Whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

~~Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. **Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.** —As amended by AB 2262 (Ch. 17, Statutes of 2012), Education Code 48981 requires notifications sent electronically to conform to the primary language requirements of Education Code 48985. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.~~

~~The following paragraph should be modified to reflect district practice.~~

~~Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. **Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.** (Education Code 48981, 48985; 20 USC 6311, 6312)~~

Whenever an employee learns that a student's parent/guardian is, **for any reason**, unable to understand the district's printed notifications **for any reason**, **he/she shall inform** the principal or designee, **who** shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference:*EDUCATION CODE221.5 *Prohibited sex discrimination*231.5 *Sexual harassment policy***234.7 *Student protections relating to immigration and citizenship status***262.3 *Appeals for discrimination complaints; information regarding availability of civil remedies*310 *Language acquisition programs*313 *Reclassification of English learners, parental consultation***313.2 *Long-term English learner, notification***440 *English language proficiency assessment; instruction in English language development*8483 *Before/after school program; enrollment priorities*17288 *Building standards for university campuses*17611.5-17612 *Notification of pesticide use*32221.5 *Insurance for athletic team members*32255-32255.6 *Right to refuse harmful or destructive use of animals*32390 *Fingerprint program; contracts; funding; consent of parent/guardian***33479.3 *The Eric Paredes Sudden Cardiac Arrest Prevention Act***35160.5 *Extracurricular and cocurricular activities*35178.4 *Notice of accreditation status*35182.5 *Advertising in the classroom*35183 *School dress codes; uniforms*35186 *Complaints concerning deficiencies in instructional materials and facilities*35211 *Driver training; district insurance, parent/guardian liability*35256 *School Accountability Report Card*35258 *School Accountability Report Card*35291 *Rules for student discipline*37616 *Consultation regarding year-round schedule*39831.5 *School bus rider rules and information*~~48412 *Certificate of proficiency*~~**44050 *Employee codes of conduct, employee interactions with students***44808.5 *Permission to leave school grounds*46010.1 *Notice regarding excuse to obtain confidential medical services*46014 *Regulations regarding absences for religious purposes*46600-46611 *Interdistrict attendance agreements*48000 *Minimum age of admission*48070.5 *Promotion or retention of students*48204 *Residency requirements*48205 *Absence for personal reasons*48206.3 *Students with temporary disabilities; individual instruction; definitions*48207-48208 *Students with temporary disabilities in hospitals*48213 *Prior notice of exclusion from attendance*48216 *Immunization*48260.5 *Notice regarding truancy*48262 *Need for parent conference regarding truancy*48263 *Referral to school attendance review board or probation department*48301 *Interdistrict transfers*48350-48361 *Open Enrollment Act**Legal Reference continued: (see next page)*

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

- 48354 *Option to transfer from school identified under Open Enrollment Act*
- 48357 *Status of application for transfer from school identified under Open Enrollment Act*
- 48412 *Certificate of proficiency*
- 48432.3 *Voluntary enrollment in continuation education*
- 48432.5 *Involuntary transfers of students*
- 48850-48859 *Education of foster youth and homeless students*
- ~~48853.5 *Placement of foster youth*~~
- 48900.1 *Parental attendance required after suspension*
- 48904 *Liability of parent/guardian for willful student misconduct*
- 48904.3 *Withholding grades, diplomas, or transcripts*
- 48906 *Notification of release of student to peace officer*
- 48911 *Notification in case of suspension*
- 48911.1 *Assignment to supervised suspension classroom*
- 48912 *Closed sessions; consideration of suspension*
- 48915.1 *Expelled students; enrollment in another district*
- 48916 *Readmission procedures*
- 48918 *Rules governing expulsion procedures*
- 48929 *Transfer of student convicted of violent felony or misdemeanor*
- 48980 *Required notification at beginning of term*
- 48980.3 *Notification of pesticide use*
- 48981 *Time and means of notification*
- 48982 *Parent signature acknowledging receipt of notice*
- 48983 *Contents of notice*
- 48984 *Activities prohibited unless notice given*
- 48985 *Notices to parents in language other than English*
- 48987 *Child abuse information*
- 49013 *Use of uniform complaint procedures for complaints regarding student fees*
- 49063 *Notification of parental rights*
- 49067 *Student evaluation; student in danger of failing course*
- 49068 *Transfer of permanent enrollment and scholarship record*
- 49069 *Absolute right to access*
- 49070 *Challenging content of student record*
- 49073 *Release of directory information*
- 49073.6 *Student records, social media*
- 49076 *Access to student records*
- 49077 *Access to information concerning a student in compliance with court order*
- 49403 *Cooperation in control of communicable disease and immunization*
- 49423 *Administration of prescribed medication for student*
- 49451 *Physical examinations: parent's refusal to consent*
- 49452.5 *Screening for scoliosis*
- 49452.7 *Information on type 2 diabetes*
- 49452.8 *Oral health assessment*
- 49456 *Results of vision or hearing test*
- 49471-49472 *Insurance*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

49475 Student athletes; concussions and head injuries

49480 Continuing medication regimen for nonepisodic conditions

49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970

49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account

51225.1 Exemption from district graduation requirements

51225.2 Course credits; foster youth, homeless youth, **and** former juvenile court school students **and** **military-connected students**

51225.3 Graduation requirements; courses that satisfy college entrance criteria

51229 Course of study for grades 7-12

51513 Personal beliefs; privacy

51938 HIV/AIDS and sexual health instruction

52164 Language census

52164.1 Census-taking methods; determination of primary language; assessment of language skills

52164.3 Reassessment of English learners; notification of results

54444.2 Migrant education programs; parent involvement

56301 Child-find system; policies regarding written notification rights

56321 Special education: proposed assessment plan

56321.5-56321.6 Notice of parent rights pertaining to special education

56329 Written notice of right to findings; independent assessment

56341.1 Development of individualized education program; right to audio record meeting

56341.5 Individualized education program team meetings

56343.5 Individualized education program meetings

56521.1 Behavioral intervention

58501 Alternative schools; notice required prior to establishment

60615 Exemption from state assessment

60641 California Assessment of Student Performance and Progress

60850-60859 High school exit examination

69432.9 Submission of grade point average to Cal Grant program

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

104420 Tobacco use prevention

104855 Availability of topical fluoride treatment

116277 Lead testing of school drinking water

120365-120375 Immunizations

120440 Sharing immunization information

124100-124105 Health screening and immunizations

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5 (continued)

3052 Behavioral intervention

~~4917 Notification of sexual harassment policy~~

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

4702 Student transfer from school identified under Open Enrollment Act

~~4917 Notification of sexual harassment policy~~

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

~~6316~~ **6318** Parent and family engagement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.~~6148~~ Teacher qualifications

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

300.504 *Procedural safeguards notice for students with disabilities*

300.508 *Due process complaint*

300.530 *Discipline procedures*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 *Asbestos inspections, response actions and post-response actions*

763.93 *Asbestos management plans*

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

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

CSBA Sample Exhibit

Students

E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 ~~relieves~~ **releases** districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2016 (SB 826, Ch. 23, Statutes of 2016)~~ **2017 (AB 97, Ch. 14, Statutes of 2017)** extends the suspension of these requirements through the ~~2016-17~~ **2017-18** fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

~~In addition to the notices required by law, there are other notices that districts are recommended to distribute. For example, AR 5145.3 - Nondiscrimination/Harassment includes an optional notice regarding the rights of transgender and gender-nonconforming students. Furthermore, although the California High School Exit Examination is suspended through the 2017-18 school year pursuant to Education Code 60851.5 and therefore the notice described in Education Code 60850 is not currently required, districts may choose to notify parents/guardians of the suspension of the exam and the possibility that it could subsequently be reinstated.~~ **The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.**

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6174 6142.2 AR 6142.2 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Copy of sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255- 32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.61 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6174 6142.2 AR 6142.2 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2 , 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner , description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before participation in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (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, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (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
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
To person holding educational rights, w Within 30 days of foster youth, homeless youth, or former juvenile court school student, or child of military family being transferred between high schools	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
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
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: excused and unexcused absences

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6316 6318	AR 6020	Notice of policy
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
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
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
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
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

(5/16 3/17) 3/18

CSBA Sample Board Policy

Instruction

BP 6162.5(a)

STUDENT ASSESSMENT

Note: The following **optional** policy may be revised to reflect district practice. **For information about required state assessments administered as part of the California Assessment of Student Performance and Progress (CAASPP), see BP/AR 6162.51 - State Academic Achievement Tests.**

The following paragraph addresses potential uses of student assessment data. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), applicable statewide student assessments must be used as one of the measures of the district's annual goals for student achievement included in its local control accountability plan; see AR 0460 - Local Control and Accountability Plan. In addition, pursuant to Education Code 44662, evaluations of certificated staff must include an assessment of students' progress toward meeting district standards of expected student achievement at each grade level in each area of study and, if applicable, toward state standards as measured by state criterion-referenced assessments (i.e., assessments that test students' mastery of the content). However, Education Code 44662 prohibits the use of publishers' norms established by standardized tests (i.e., assessments that compare students' performance to a representative sample of students) for the purpose of evaluating and assessing certificated staff performance. The use of student assessment results in staff evaluations may also be addressed in collective bargaining agreements or employment contracts. See BP/AR 4115 - Evaluation/Supervision and BP 4315 - Evaluation/Supervision.

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

(cf. 6162.51 - State Academic Achievement Tests)

Note: The following paragraph addresses potential uses of student assessment data. Pursuant to Education Code 52060, applicable statewide student assessments must be used as one of the measures of progress toward the district's annual goals for student achievement included in its local control and accountability plan; see AR 0460 - Local Control and Accountability Plan. In addition, pursuant to Education Code 44662, evaluations of certificated staff must include an assessment of students' progress toward meeting district standards of expected student achievement at each grade level in each area of study and, if applicable, toward state standards as measured by state criterion-referenced assessments (i.e., assessments that test students' mastery of the content). However, Education Code 44662 prohibits the use of publishers' norms established by standardized tests (i.e., assessments that compare students' performance to a representative sample of students) for the purpose of evaluating and assessing certificated staff performance. The use of student assessment results in staff evaluations may also be addressed in collective bargaining agreements or employment contracts. See BP/AR 4115 - Evaluation/Supervision and BP 4315 - Evaluation/Supervision.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

STUDENT ASSESSMENT (continued)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)
(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education and Activity)
~~*(cf. 6162.52 - High School Exit Examination)*~~
(cf. 6190 - Evaluation of the Instructional Program)

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and the test publisher's directions, and that test administration procedures are fair and equitable for all students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6162.54 - Test Integrity/Test Preparation)

Note: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all "numerically significant" student subgroups, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. A "numerically significant" subgroup is one that consists of at least 30 students, or 15 foster youth or homeless students, **each of whom has with** a valid test score. To evaluate the extent to which the district fulfills this responsibility, it will be important to examine disaggregated student assessment results as provided below.

~~As a condition of using~~ **Pursuant to Education Code 49558, the Governing Board may adopt policy allowing the use of** individual applications or records from the free and reduced-price meal program to identify students for the purpose of disaggregating student achievement data. ~~Education Code 49558 requires the Governing Board to adopt policy allowing such use of individual records and requires that confidentiality be ensured to the extent possible; see~~ **See BP/AR 3553 - Free and Reduced Price Meals for optional language providing such authorization.**

~~To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.~~ As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

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

~~In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.~~

STUDENT ASSESSMENT (continued)

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

(cf. 0510 - School Accountability Report Card)

Interim and Formative Assessments

Note: At their discretion, districts may choose to use the Smarter Balanced interim and formative assessments, which are part of the California Assessment of Student Performance and Progress. Pursuant to Education Code 60642.6, as amended by AB 1035 (Ch. 752, Statutes of 2017), these tests may be used, in combination with other sources of information, to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Education Code 60642.7, as added by AB 1035, specifies that results of such assessments shall not be used for any high-stakes purpose.

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6152 - Class Assignment)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Learners)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

STUDENT ASSESSMENT (continued)

Individual Record of Accomplishment

Note: The following **optional** section is for use by districts that maintain high schools.

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

~~Note: Pursuant to Education Code 60607, as amended by AB 484 (Ch. 489, Statutes of 2013), the individual record of accomplishment must include results of the state assessments established pursuant to Education Code 60640-60649 (the California Assessment of Student Performance and Progress) or any predecessor assessments (i.e., the Standardized Testing and Reporting Program).~~

1. The results of the state achievement tests **required and** administered **as part of the California Assessment of Student Performance and Progress, or any predecessor assessments**, pursuant to Education Code 60640-60649 ~~or any predecessor assessments~~
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

(cf. 6178 - Career Technical Education)

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if he/she is an adult or emancipated minor. The student or his/her parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607)

(cf. 5125 - Student Records)

Legal Reference: (see next page)

STUDENT ASSESSMENT (continued)

Legal Reference:

EDUCATION CODE

- 313 Assessment of English language development
 - 10600-10610 California Education Information System
 - 44660-44665 Evaluation and assessment of performance of certificated employees (Stull Act)
 - 49558 Free and reduced-price meals; use of individual applications and records
 - 51041 Evaluation of educational program
 - 51450-51455 Golden State Seal Merit Diploma
 - 52052 **Accountability Academic Performance Index**; numerically significant student subgroups
 - 52060-52077 Local control and accountability plan
 - 60600-60649 Assessment of academic achievement, especially:
 - 60640-60649 California Assessment of Student Performance and Progress
 - 60800 Physical fitness testing
 - 60810-60812 Assessment of English language development
 - ~~60850-60859 High school exit examination~~
 - 60900 California Longitudinal Pupil Achievement Data System
- #### CODE OF REGULATIONS, TITLE 5
- 850-864 California Assessment of Student Performance and Progress
 - ~~1200-1225 High School Exit Examination~~
- #### UNITED STATES CODE, TITLE 20
- 9622 National Assessment of Educational Progress

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Key Elements of Testing, May 2004

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Teachers' Use of Student Data Systems to Improve Instruction, 2007

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

CSBA Sample Board Policy

Instruction

BP 6171(a)

TITLE I PROGRAMS

Note: The following policy is for use by districts that receive funding through Title I, Part A, of the federal Elementary and Secondary Education Act (20 USC 6311-6322), which supports basic programs designed to improve the academic achievement of economically disadvantaged students. The No Child Left Behind Act of 2001 (20 USC 6313) establishes school eligibility criteria and priorities for funding. Title I funds received by the district must be allocated to eligible schools or eligible school attendance areas, in rank order, on the basis of the number of students from low-income families. 20 USC 6313 further provides that districts may continue to serve a school or school attendance area for one additional year after it loses its eligibility. Pursuant to 20 USC 6314 and 6321, Title I funds must be used only to supplement, not supplant, funds that would be available from nonfederal sources for the education of students participating in Title I.

In order to improve the academic achievement of students from economically disadvantaged families, the district shall use federal Title I funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments. **The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.**

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

~~The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6312)~~

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

Note: 20 USC 6312 requires that districts receiving Title I funds develop a local educational agency (LEA) plan with specified components. In California, districts have the option of addressing each LEA plan provision within the local control and accountability plan (LCAP), the LCAP Federal Addendum, or another document, provided that the location of each provision is referenced within the LCAP Federal Addendum. A template for the LCAP Federal Addendum is available on the California Department of Education's (CDE) web site.

Title I schoolwide programs are required to develop school-level comprehensive plans addressing the components listed in 20 USC 6314; see the accompanying administrative regulation.

TITLE I PROGRAMS (continued)

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

(cf. 0420 - School Plans/Site Councils)

(cf. 0400 - Comprehensive Plans)

(cf. 0460 - Local Control and Accountability Plan)

~~The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6312)~~

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

Note: 20 USC 6318 mandates each district and each school receiving Title I funds to have a written parent/**guardian and family engagement involvement** policy developed jointly with and agreed upon by parents/guardians of participating students. See BP/AR 6020 - Parent Involvement for language fulfilling this mandate.

In addition, the district and each school receiving Title I funds shall develop a written ~~parent involvement~~ **parent/guardian and family engagement** policy in accordance with 20 USC 6318.

(cf. 6020 - Parent Involvement)

Local Educational Agency Plan

Note: 20 USC 6312 requires that districts receiving Title I funds develop a local educational agency (LEA) plan with specified components. Pursuant to 20 USC 6312, any LEA plan submitted to the California Department of Education (CDE) following enactment of the No Child Left Behind Act of 2001 will remain in effect for the duration of the district's participation in Title I, with periodic revisions. ~~Guidance and a template are available on the CDE's web site to assist in the development and revision of the LEA plan.~~

~~20 USC 6312 requires that the LEA plan be developed in consultation with specified stakeholders, as provided below. The CDE guidance clarifies that all subsequent amendments also must be developed in consultation with these stakeholders and that both the initial plan and subsequent revisions must be approved by the Governing Board. Revisions of the plan must be kept on file in the district.~~

~~The CDE guidance suggests that the LEA plan be reviewed and updated at least once each year. The following paragraph may be revised to reflect the frequency of review desired by the Board.~~

~~The plan shall address the components specified in 20 USC 6312, which describe the assessments, strategies, and services the district will use to help low-achieving students meet challenging academic standards.~~

TITLE I PROGRAMS (continued)

The initial plan shall be submitted to the California Department of Education (CDE) and approved by the State Board of Education. Subsequent revisions of the plan shall be kept on file in the district.

Comparability of Services

Note: 20 USC 6321(e)(3)(A) mandates any district receiving Title I funds to develop procedures to ensure compliance with legal requirements regarding comparability of services. Pursuant to 20 USC 6321, requirements regarding comparability do not apply to districts that do not have more than one building for each grade span.

State and local funds used in schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

Note: ~~Items #1-5 below should be revised to reflect district practice.~~ Pursuant to 20 USC 6321, a district will be considered to have met the legal requirement for comparability if it provides the CDE with written assurances that it has established and implemented (1) a districtwide salary schedule; (2) a policy ensuring equivalence among schools in teachers, administrators, and other staff; and (3) a policy ensuring equivalence among schools in the provision of curriculum materials and instructional supplies. U.S. Department of Education nonregulatory guidance, Title I Fiscal Issues, and the CDE clarify that these written assurances alone would be insufficient to establish comparability. The district must keep records documenting that the salary schedule and policies were actually implemented and that they resulted in equivalence among schools in staffing, materials, and supplies. **Items #1-4 below reflect methods of determining comparability authorized by the CDE. For further information, see the CDE's guidance Meeting Title I, Part A Comparability Requirements, available on its web site.**

To demonstrate comparability of services among district schools, the district shall:

1. ~~The Board shall aA~~ adopt and implement a districtwide salary schedule.

Note: **Items #2a and b below reflect methods authorized by the CDE to U.S. Department of Education nonregulatory guidance, Title I Fiscal Issues, presents examples of various methods that may be used to determine comparability of staffing, and may be revised to reflect district practice.** on the basis of student staff ratios. Item #2 below reflects the method used by the CDE to annually calculate and compare the district's student staff ratios based on data collected through the California Basic Educational Data System (CBEDS). If the ratios are found to be noncomparable, the CDE will notify the district and review other indicators to determine whether corrective actions are needed. The district may revise item #2 to establish additional or alternative methods for determining comparability of student staff ratios.

2. **Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:**

TITLE I PROGRAMS (continued)

- 2. a.** The ratio of students to ~~teachers, administrators, and other staff~~ **instructional staff** at each Title I school **within a grade span, which** shall not exceed 110 percent of the average ratio ~~across for all~~ non-Title I **district** schools **within that grade span**
- ~~4. All district schools shall be provided with the same level of base funding per student for curriculum and instructional materials.~~
- 3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the districtwide average.**
- 4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools**
- ~~5. The Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.~~

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

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to **disabled** students **with disabilities**, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

Note: Although 20 USC 6321 requires records of compliance to be updated biennially, U.S. Department of Education (**USDOE**) nonregulatory guidance, Title I Fiscal Issues, clarifies that because Title I allocations are made annually, demonstrating comparability is an annual requirement. ~~The CDE monitors comparability data annually per an agreement with the U.S. Department of Education.~~ **CDE requires districts to complete and submit their comparability reports each fall. Districts with schools that fail the initial comparability test are given additional time to resolve the issues and resubmit their report with supporting documentation in the winter.**

TITLE I PROGRAMS (continued)

The following paragraph may be modified to reflect district practice. U.S. Department of Education guidance, *Title I Fiscal Issues*, suggests that the timeline for evaluating comparability be set early enough in the school year to allow corrective actions to be taken as needed in a manner that minimizes disruption to school operations.

At the beginning of each school year, ~~the~~ The Superintendent or designee shall **annually assess measure** comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

Participation of Private School Students

~~The district~~ ~~The Superintendent or designee~~ shall provide or contract to provide special educational services, **instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring,** or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis **in comparison to services and other benefits for with participating public school students.** (20 USC 6320, 7881)

Program Evaluation

Note: ~~20 USC 6316 contains requirements for schools receiving Title I funds that fail to make "adequate yearly progress" for two or more consecutive school years; see BP/AR 0520.2 Title I Program Improvement Schools.~~ The following section may be revised to reflect district practice. **During the Federal Program Monitoring process, the CDE will review whether the district monitors the effectiveness of district plans to help low-achieving students meet challenging academic achievement standards and revises those plans as necessary.**

20 USC 6311 requires each state to have an accountability system that incorporates multiple measures, including, but not limited to, statewide assessment results for all students as well as numerically significant student subgroups. California's accountability system (the California School Dashboard) consists of both state and local indicators to assist districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Beginning in the 2018-19 school year, CDE will notify schools identified for comprehensive and/or targeted support and improvement pursuant to 20 USC 6311. See BP 0500 - Accountability.

~~The Board shall use state assessment results and other available measures or indicators to annually determine whether each participating school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments.~~ (20 USC 6316)

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's

TITLE I PROGRAMS (continued)

progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

(cf. 0500 - Accountability)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

11503 Parent involvement programs in Title I schools

~~52055.57 Districts identified or at risk of identification for program improvement~~

52060-52077 Local control and accountability plan

54420-54425 State Compensatory Education

64001 Single plan for student achievement, consolidated application programs

UNITED STATES CODE, TITLE 20

6301 Program purpose

6311-6322 Improving basic programs for disadvantaged students, including:

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6314 Title I schoolwide programs

6315 Targeted assistance schools

~~6316 School improvement~~

6318 Parent involvement and family engagement

6320 Participation of private school students

6321 Comparability of services

6333-6335 Grants to local educational agencies

6391-6399 Education for migrant students

7881 Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-~~200.79~~ **200.73** Improving basic programs for disadvantaged students

Management Resources:

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

LEA Plan, rev. May 17, 2006

Frequently Asked Questions About Title I Schoolwide Programs

Local Control and Accountability Plan Federal Addendum Template

Meeting Title I, Part A Comparability Requirements, October 2017

Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of 2001, rev. November 1, 2005

Management Resources continued: (see next page)

TITLE I PROGRAMS (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION GUIDANCE PUBLICATIONS

Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act, Non-Regulatory Guidance, November 21, 2016

Title I Fiscal Issues, Non-Regulatory Guidance, May 26, 2006 February 2008

Designing Schoolwide Programs, Non-Regulatory Guidance, March 22, 2006

Supplemental Educational Services, June 13, 2005

The Impact of the New Title I Requirements on Charter Schools, July 2004

Parental Involvement: Title I, Part A, April 23, 2004

Serving Preschool Children Under Title I, March 4, 2004

Title I Services to Eligible Private School Students, October 17, 2003

Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools, August 2003

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov/iasa/titleone>
<https://www.cde.ca.gov/sp/sw>

No Child Left Behind: <http://www.ed.gov/nclb>

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

CSBA Sample Administrative Regulation

Instruction

AR 6171(a)

TITLE I PROGRAMS

Schoolwide Programs

Note: Pursuant to 20 USC 6314, Title I funds may be used and consolidated with other federal, state, and local program funds to upgrade the entire educational program in schools that meet eligibility criteria pursuant to 20 USC 6314 and 34 CFR 200.25. Schools participating in schoolwide programs are not required to identify particular children students as eligible or identify individual services as supplementary. The following optional section is for use by districts with eligible school(s) schoolwide programs.

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state, and local sources for program purposes. (20 USC 6312, 6314; 34 CFR 200.25)

Note: 20 USC 6314 provides that an ineligible school may request a waiver from the California Department of Education (CDE) to operate a schoolwide program, taking into account how a schoolwide program will best serve the needs of the students in the school. For information regarding the criteria and process for seeking a waiver, see the CDE's web site.

A school that does not meet these criteria may operate a Title I schoolwide program if it receives a waiver from the California Department of Education. (20 USC 6312, 6314)

Note: 20 USC 6314 requires schools with Title I schoolwide programs to develop a comprehensive plan with specified components. Pursuant to Education Code 64001, this plan must be consolidated with plans required for other federal and state categorical programs into a single plan for student achievement (SPSA). The SPSA must be developed by a school site council or other school advisory group; see BP/AR 0420 - School Plans/Site Councils. However, because 20 USC 6314 requires broader engagement, the district must ensure that plan development provides opportunities for the participation of the individuals listed below. The following paragraph may be revised to reflect district practice.

Any school operating a schoolwide program shall develop a comprehensive plan with the involvement of parents/guardians, other members of the community to be served, and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of other federal education programs), the district, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, secondary school students as applicable, and other individuals determined by the school. (20 USC 6314)

TITLE I PROGRAMS (continued)

(cf. 0400 - Comprehensive Plans)
(cf. 6020 - Parent Involvement)

Any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and **The schoolwide program plan shall be based on a comprehensive needs assessment of the entire school and shall be incorporated into a single plan for student achievement which also incorporates the plans required by** other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

(cf. 0420 - School Plans/Site Councils)

A schoolwide program shall include: **The plan shall describe the strategies that the school will implement to address school needs, including a description of how such strategies will:** (20 USC 6314)

1. ~~A comprehensive needs assessment of the entire school, including the needs of migrant students, which includes the achievement of students in relation to state academic content and achievement standards~~

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6175 - Migrant Education Program)

2. **Schoolwide reform strategies that:**

a. 1. **Provide opportunities for all students, including economically disadvantaged students, ethnic subgroups, students with disabilities, and English learners, to meet the state's proficient and advanced levels of achievement state academic standards**

(cf. 6011 - Academic Standards)

b. 2. **Use effective methods and instructional strategies, based on scientifically based research, that strengthen the school's core academic program, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education and include strategies for meeting the educational needs of historically underserved populations**

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

TITLE I PROGRAMS (continued)*(cf. 6141 - Curriculum Development and Evaluation)**(cf. 6177 - Summer ~~School~~ Learning Programs)***Note: Item #3 may be revised to reflect the grade levels and programs offered by the district.**

- e. 3.** ~~Include strategies to~~ address the needs of all students in the school, but particularly the needs of ~~low-achieving students and~~ those at risk of not meeting state achievement **academic standards, through activities which may include the following:** ~~who are members of the target population of any program that is part of the schoolwide program~~

~~Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.~~

*(cf. 6164.2 - Guidance/Counseling Services)**(cf. 6164.5 - Student Success Teams)*

~~d. — Address how the school will determine if student needs have been met~~

~~e. — Are consistent with and designed to implement state and local improvement plans, if any~~

*(cf. 0520.2 - Title I Program Improvement Schools)**(cf. 0520.3 - Title I Program Improvement Districts)*

- a. Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas**

*(cf. 5141.6 - School Health Services)**(cf. 6164.2 - Guidance/Counseling Services)**(cf. 6164.5 - Student Success Teams)*

- b. Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school**

*(cf. 6141.4 - International Baccalaureate Program)**(cf. 6141.5 - Advanced Placement)**(cf. 6172.1 - Concurrent Enrollment in College Classes)**(cf. 6178 - Career Technical Education)*

TITLE I PROGRAMS (continued)

c. Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

d. Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments and to recruit and retain effective teachers, particularly in high-need subjects

~~3. High quality and ongoing professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians to enable all students in the school to meet state academic achievement standards~~

~~(cf. 4111/4211/4311 - Recruitment and Selection)~~

~~(cf. 4131 - Staff Development)~~

~~(cf. 4222 - Teacher Aides/Paraprofessionals)~~

~~(cf. 4231 - Staff Development)~~

~~(cf. 4331 - Staff Development)~~

~~4. Strategies to attract high quality, highly qualified teachers to high-need schools~~

~~5. Strategies to increase parent involvement~~

~~(cf. 5020 - Parent Rights and Responsibilities)~~

6. e. Plans Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs

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

~~7. Measures to include teachers in decisions regarding the use of academic assessments to provide information on and to improve the achievement of individual students and the overall instructional program~~

~~8. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance~~

~~(cf. 6179 - Supplemental Instruction)~~

TITLE I PROGRAMS (continued)

~~9. Coordination and integration of federal, state, and local services and programs~~

The plan shall also include a description of any applicable federal, state, and local programs that will be consolidated in the schoolwide program. (20 USC 6314; 34 CFR 200.27)

The plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet state academic standards. (20 USC 6314)

Targeted Assistance Programs

Note: Pursuant to 20 USC 6315, any school that is selected to receive Title I funds but is ineligible for or chooses not to operate a schoolwide program may only use Title I funds for programs that provide services to eligible students identified as having the greatest need for special assistance.

~~Items #1-2 below~~ The following paragraph may be revised to reflect grade levels offered by the district.

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to: **eligible students who are failing, or most at risk of failing, to meet state academic standards. Students shall be identified on the basis of multiple, educationally related, objective criteria, except that students in preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the district and supplemented by the school. (20 USC 6315)**

~~1. Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school~~

~~2. Students in preschool through grade 2 selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians, and developmentally appropriate measures~~

Eligible students include those who are economically disadvantaged; students with disabilities; migrant students, including those who participated in a migrant education program pursuant to 20 USC 6391-6399 in the preceding two years; English learners; students who participated in a Head Start or state preschool program in the preceding two years; students in a local institution for neglected or delinquent children and youth or attending a community day program for such students; and homeless students. (20 USC 6315)

A Any targeted assistance program shall: (20 USC 6315)

TITLE I PROGRAMS (continued)

1. Use program resources to help participating students meet state academic achievement standards, **which may include programs, activities, and academic courses necessary to provide a well-rounded education expected for all students**
- ~~2. Ensure that program planning is incorporated into existing school planning~~
- ~~3.~~ **2.** Use **effective** methods and instructional strategies, ~~based on scientifically based research,~~ that strengthen the **core** academic program, ~~give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours for instruction provided by Title I through activities which may include:~~
 - a. Expanded learning time, before- and after-school programs, and summer programs and opportunities**
 - b. A schoolwide tiered model to prevent and address behavior problems, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act**
- ~~4.~~ **3.** Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs
- ~~5. Provide instruction by highly qualified teachers~~
- ~~6.~~ **4.** Provide **opportunities for** professional development **to for** teachers, principals, **other school leaders,** paraprofessionals, and, if appropriate, **student services personnel specialized instructional support personnel**, ~~other staff, and parents/guardians and other school personnel~~ who work with **participating eligible** students **in Title I programs or in the regular education program. The professional development shall be provided using funds from Title I and, to the extent practicable, other sources.**
- ~~7.~~ **5.** Provide **Implement** strategies to increase **parent the** involvement **of parents/guardians of participating students**

Note: Item #6 may be revised to reflect programs offered by the district.
--

- ~~8.~~ **6.** **If appropriate and applicable,** ~~Coordinate~~ and integrate federal, state, and local services and programs, such as **programs supported by the Elementary and Secondary Education Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career technical education programs, and comprehensive or targeted support and improvement activities under 20 USC 6311**

TITLE I PROGRAMS (continued)

- 7. Provide assurances to the Superintendent or designee that the program will:**
 - a. Help provide an accelerated, high-quality curriculum**
 - b. Minimize the removal of students from the regular classroom during regular school hours for instruction supported by Title I funds**
 - c. On an ongoing basis, review the progress of participating students and revise the targeted assistance program, if necessary, to provide additional assistance to enable such students to meet state academic standards**

Participation of Private School Students

~~The Superintendent or designee shall provide or contract to provide special educational services or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis with participating public school students. (20 USC 6320, 7881)~~

Teachers, ~~other educational personnel,~~ and families of participating private school students shall have an opportunity to participate, on an equitable basis, in ~~parent involvement~~ **parent/guardian and family engagement** activities and professional development pursuant to 20 USC 6318 ~~and 6319.~~ (20 USC 6320, 7881)

Note: 20 USC 6320 requires meaningful and timely consultation with private school officials as described below. Pursuant to 20 USC 6320, a private school official has the right to complain to the CDE that the district ~~did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official~~ **did not comply with these requirements, and the district must forward the appropriate documentation to the CDE.**

The Superintendent or designee shall consult, ~~in a meaningful and timely manner,~~ with appropriate private school officials, **in a meaningful and timely manner,** during the design and development of the district's Title I programs, **with the goal of reaching agreement on**

TITLE I PROGRAMS (continued)

how to provide equitable and effective programs for eligible private school students. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include ~~a discussion of~~ **consultation on issues such as the following:** (20 USC 6320, 7881; 34 CFR ~~200.63~~ **200.56**)

1. How the needs of private school students will be identified
2. What services will be offered
3. How, where, and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to **eligible** private school students, **and** the proportion of funds **that is to be** allocated for such services, **and how that proportion of funds is determined**

Note: Pursuant to 20 USC 6320, the district has the final authority to calculate, each year or every two years, the number of private school students, ages 5-17, who are from low-income families. The district may use the same measure of low income as used to determine eligibility for public school students or any other measure listed in 20 USC 6320(c)(1).

6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
7. How and when the district will make decisions about the delivery of services to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor
9. **Whether the district will provide services directly or through a separate government agency, consortium, entity, or third-party contractor**
10. **Whether to provide services to eligible private school students by pooling funds or on a school-by-school basis**

TITLE I PROGRAMS (continued)

11. When services will be provided, including the approximate time of day

12. Whether to consolidate and use funds provided under Title I with other funds available for services to private school students

If the district disagrees with the views of private school officials with respect to any of the above issues, the district shall provide the officials, in writing, the reasons that the district disagrees. (20 USC 6320)

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The ~~Superintendent or designee~~ **district** shall maintain, and shall provide to the ~~California Department of Education upon request~~ **CDE**, a written affirmation signed by officials of each participating private school that consultation has occurred. **The affirmation shall provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to private school students. If private school officials do not provide the affirmation within a reasonable period of time, the district shall send documentation to the CDE demonstrating that the consultation has, or attempts at such consultation have, taken place. (20 USC 6320)**

~~Note: The following paragraph is optional. CDE and U.S. Department of Education guidance on the participation of private school students address actions that should be taken if private school officials fail to sign the above affirmation in a reasonable period of time, as provided below.~~

~~If the private school officials do not provide such affirmation within a reasonable period of time, the Superintendent or designee shall maintain records of the consultation or the offer of consultation.~~

(cf. 3580 - District Records)

~~Note: In addition to the records described above, CDE guidance on the participation of private school students suggests that the following records be maintained. **Optional** items #1-4 below may be revised or expanded to reflect district practice.~~

~~The Superintendent or designee also shall maintain records documenting that:~~

~~1. The needs of private school teachers and/or private school students were identified.~~

~~2. The funds made available were equitable to those allocated for public school students and teachers.~~

TITLE I PROGRAMS (continued)

3. ~~The district's program met the needs of the private school teachers and/or private school students.~~

4. ~~The district made efforts to resolve any complaints made by private school representatives.~~

Note: The following optional paragraph may be revised to reflect district practice.

Administrative Regulation

Grades/Evaluation Of Student Achievement

AR 5121
Students

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 schools identified as elementary schools: students' level of progress shall be reported as follows:

- 1 Standard not met
- 2 Standard nearly met
- 3 Standard met

For schools identified as middle and high schools, 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:

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

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)

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)

Regulation RIVER DELTA UNIFIED SCHOOL DISTRICT
approved: DRAFT June 12, 2018 Rio Vista, California

BOARD OF TRUSTEES
RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street
Rio Vista, CA 94571-1651



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: X

From: Elizabeth Keema-Aston, CBO

Item Number: 12

SUBJECT: Approve Resolution # 747 Authorizing FY 2017-18 expenditures from Education Protection Act Funds (Proposition 30)

Action: X

Background:

Voter approval in November 2012 of Proposition 30 made changes in the ongoing allocation of State financial allocations of funding to K-12 school districts. The Education Protection Act (EPA) requires that governing boards annually approve the expenditure of this portion of ongoing State funding by resolution. In May 2016, this Board authorized the expenditure of FY 2016-17 EPA funding for employee salary and benefit expenses, excluding any administrative costs.. At that time the amount of FY 2016-17 EPA funding provided was \$737,569.

In March 2017, CDE published revised calculations for EPA funding for FY 2016-17 and FY 2017-18. As a result the EPA funding was increased for FY 2016-17 by \$208,171 bringing the entitlement to \$945,740.

For the current year, FY 2017-18, our EPA award was \$368,558. To capture the adjustment in EPA funding of FY 2016-17, the current year EPA award is increased to a net amount of \$567,729.

Overall State LCFF revenues (including local property taxes) have been reviewed and a determination made that there is no net significant change to district revenues as a result of the adjustment in EPA entitlements.

Status:

Staff prepared a Resolution for Board Action to authorize EPA expenditures for FY 2017-18.

Presenter: Elizabeth Keema-Aston, CBO

Other People Who Might Be Present: Staff

Cost &/or Funding Sources: Not applicable

Recommendation:

District management recommends that the Board approve Resolution 747 to authorize FY 2017-18 expenditure of EPA funds in the revised award amount of \$576,729 and that this information be posted on the district website in accordance with legal requirements.

Time: 5 mins.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
RIVER DELTA UNIFIED SCHOOL DISTRICT REGARDING
THE EDUCATION PROTECTION ACCOUNT – 2017-18**

RESOLUTION NO. 747

WHEREAS, the voters approved Proposition 30 on November 6, 2012;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

WHEREAS, before June 30th of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government;

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Trustees of the River Delta Unified School District as follows:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of River Delta Unified School District;
2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the River Delta Unified School District has determined to spend the monies received from the Education Protection Act on current certificated teacher salaries and benefits.

PASSED AND ADOPTED this day, May 8, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

IN WITNESS WHEREOF, I, Don Olson, Clerk of the Board of Trustees of the River Delta Unified School District of Sacramento County, California, certify that the foregoing is a full, true, and correct copy of Resolution No. 747 adopted by the said Board at a Regular Business meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

Don Olson, Clerk
Board of Trustees
River Delta Unified School District

Date

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

445 Montezuma Street
Rio Vista, CA 94571-1651



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: X

From: Don Beno, Superintendent

Item Number: 13. ___

SUBJECT

Request to approve and adopt the 2017-18 Tentative
Agreement with the River Delta Unified Teacher's Association

Action: X

Consent Action: _____

Information Only: _____

Background:

The District and the River Delta Unified Teacher's Association have reached a tentative agreement on contract language, salary and benefits. This agreement will resolve all issues, which were opened for the 2017-18 school year. The District and the Association agree to the following: (See attached).

Status:

Presenter: Don Beno, Superintendent

Other People Who Might Be Present: Staff

Cost &/or Funding Sources

The total cost of bargained agreements with ALL employees will be approximately \$ 547,108

Recommendation:

Staff recommends that the Board approve the Agreement with the RDUTA which closes negotiations for 2017-18

Time: ___ 5 mins. ___

**SACRAMENTO COUNTY OFFICE OF EDUCATION
PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT**

In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449

Name of School District: **RIVER DELTA USD**
 Name of Bargaining Unit: **RDUTA, CSEA, Management & Non-Represented**
 Certificated, Classified, Other: **Certificated and Classified**

The proposed agreement covers the period beginning: **7/1/17** and ending: **6/30/18**
 (date) (date)

The Governing Board will act upon the agreement on: **April 10, 2018**
 (date)

Note: This form, along with a copy of the proposed agreement, must be submitted to the County Office at least ten (10) working days prior to the date the Governing Board will take action.

A. Proposed Change in Compensation:		3.00 % On the Salary Schedule retro to 7/1/17 and \$144 on monrhly Benefit cap retro to 1/31/18.			
		Annual	Fiscal Impact of Proposed Agreement		
Compensation		Cost Prior to	Year 1	Year 2	Year 3
		Proposed Agreement	Increase (Decrease)	Increase (Decrease)	Increase (Decrease)
		FY 2017-18	FY 20117-18	FY 2018-19	FY 2019-20
1	Salary Schedule (This is to include Step and Columns, which is also reported separately in Item 6)	\$12,794,961	\$355,701	\$359,258	\$362,851
			2.78%	2.73%	2.69%
2	Other Compensation Stipends, Bonuses, Longevity, Overtime, Differential, Callback or Standby Pay, etc.	\$827,118.00	\$0.00	\$0.00	\$0.00
			0.00%	0.00%	0.00%
	Description of other compensation	Stipends, extra assignments, substitutes, vacation payouts.			
3	Statutory Benefits - STRS, PERS, FICA WE, UI, Medicare, etc.	\$3,677,916	\$74,407	\$82,157	\$89,310
			2.02%	2.19%	2.33%
4	Health/Welfare Plans	\$1,188,009.00	\$117,000.00	\$344,000.00	\$453,000.00
5	Total Compensation - Add Items 1 through 4 to equal 5	\$18,488,004	\$547,108	\$785,415	\$905,161
			2.96%	4.13%	4.57%
6	Step and Column - Due to movement plus any changes due to settlement. This is a subset of Item No. 1	\$0.00	\$0.00	\$75,900	\$77,300
7	Total Number of Represented Employees (Use FTEs if appropriate)	237.19	237.19	237.19	237.19
8	Total Compensation <u>Average</u> Cost per Employee	77,945.97	2,306.62	3,311.33	3,816.18
			2.96%	4.13%	4.57%

9 . What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

Collective Bargaining Units (CBU) negotiated a 3.00% on the salary schedule retro to July 1, 2017.
This is a single year agreement.

10 . Were any additional steps, columns, or range added to the schedule? (If yes, please explain.)

The only adjustment was for stipends, they are as follows:
Added Cross Country and Wrestling to Group 1 of the stipend Schedule
Added Elementary Yearbook advisor to Group 5.
Moved Middle School yearbook advisor from Group 4 to Group 3
As cleanup to the language Speech Therapist was removed for Appendix B as they are no longer in the unit.

11 . Please include comments and explanations as necessary. (If more room is necessary, please attach an additional sheet.)

N/A

12 . Does this bargaining unit have a negotiated cap for Health & Welfare Yes | No

If yes, please describe the cap amount.

The current cap is \$560 a month. The district is increasing the cap by \$144 per month to \$704, retro to January 31, 2018. The district is working with SCOE on how that will actually be done, since it needs to indicate on files that was awarded for Health and welfare benefits and show on the appropriate year end reports.

B. Proposed Negotiated Changes in Noncompensation Items (I.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

None

C. What are the specific impacts (positive or negative) on instructional and support programs accommodate the settlement? Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

None

D. What contingency language is included in the proposed agreement (e.g., reopeners, etc.)?

If either the RDUTA (Teachers Association) or the Administrators or confidential employees negotiate and agree upon an agreement that provides a total compensation greater than what is listed in the summary page, the District shall provide an equivalent compensation agreement to the CSEA, Delta Chapter #319.

(All units agreed to the same compensation so there was not effect on the "me too" clause.)

E. Will this agreement create, or decrease deficit financing in the current or subsequent year(s)? "Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenue and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

The district is deficit spending but maintains a positive certification.

FY 17-18 and FY 18-19 will deficit spend by \$2,015,342 and \$1,501,476, respectively.

FY 19-20 is projected to deficit spend by \$533,241 with the trend slowing

General fund contributions from unrestricted funding will be increased to offset negative balances.

The district is able to maintain its reserve level and positive ending fund balances in the current and two subsequent years. The district has been spending down the One-time funds on a textbooks, new phone system and facility repairs resulting in the deficit spending trend.

F. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

None

G. Source of Funding for Proposed Agreement

1. Current Year

LCFF

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?

Funding for the tentative agreement will be paid thru LCFF Funds. The districts enrollment is projected to have a slight increase in ADA in 2018-19 due to a new development then remain flat for the out years.

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

Single year agreement

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Unrestricted General Fund
Enter Bargaining Unit: **RDUTA, CSEA, Mgmt & Non Rep.**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18 ____)	Adjustments as a Result of Settlement	Other Revisions (Working Budget)	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$17,592,332	\$0		\$17,592,332
Remaining Revenues (8100-8799)	\$969,211	\$0		\$969,211
TOTAL REVENUES	\$18,561,543	\$0	\$0	\$18,561,543
EXPENDITURES				\$0
Certificated Salaries (1000-1999)	\$7,126,057	\$202,814	\$925	\$7,329,796
Classified Salaries (2000-2999)	\$2,482,960	\$62,039	-\$86	\$2,544,913
Employee Benefits (3000-3999)	\$2,961,976	\$170,863	\$68	\$3,132,907
Books and Supplies (4000-4999)	\$769,605	\$0	\$5,885	\$775,490
Services, Other Operating Expenses (5000-5999)	\$2,437,663	\$0	-\$8,382	\$2,429,281
Capital Outlay (6000-6999)	\$353,187	\$0	\$0	\$353,187
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$0	\$0	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$67,072	\$0	\$0	-\$67,072
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$16,094,376	\$435,716	-\$1,590	\$16,528,502
OPERATING SURPLUS (DEFICIT)	\$2,467,167	-\$435,716	\$1,590	\$2,033,041
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0			\$0
TRANSFERS OUT & OTHER USES (7610-7699)	-\$135,000	\$0	\$0	-\$135,000
CONTRIBUTIONS (8980-8999)	-\$2,911,547	-\$96,999	-\$10,000	-\$3,018,546
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	-\$579,380	-\$532,715	-\$8,410	-\$1,120,505
				\$0
BEGINNING BALANCE	\$4,726,917	\$0	\$0	\$4,726,917
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
CURRENT-YEAR ENDING BALANCE	\$4,147,537	-\$532,715	-\$8,410	\$3,606,412
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts (9711-9740)	\$15,000	\$0	\$0	\$15,000
Reserved for Economic Uncertainties (9770) 5%	\$1,226,200	\$19,500	\$0	\$1,245,700
Designated Amounts (9775-9780)	\$750,000	\$0		\$750,000
Unappropriated Amounts (9790)	\$2,156,337	-\$552,215	-\$8,410	\$1,595,712

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Restricted General Fund
RDUTA, CSEA, Mgmt & Non Rep.

Enter Bargaining Unit:

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18)	Adjustments as a Result of Settlement	Other Revisions (Working Budget)	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$4,492,860	\$0	-\$157,245	\$4,335,615
TOTAL REVENUES	\$4,492,860	\$0	-\$157,245	\$4,335,615
EXPENDITURES				\$0
Certificated Salaries (1000-1999)	\$1,721,706	\$40,831	-\$25,000	\$1,737,537
Classified Salaries (2000-2999)	\$1,444,833	\$38,563	\$0	\$1,483,396
Employee Benefits (3000-3999)	\$1,590,149	\$17,605	\$0	\$1,607,754
Books and Supplies (4000-4999)	\$801,290	\$0	\$26,773	\$828,063
Services, Other Operating Expenses (5000-5999)	\$2,122,016	\$0	-\$176,718	\$1,945,298
Capital Outlay (6000-6999)	\$557,167	\$0	\$34,000	\$591,167
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$55,783	\$0	\$0	\$55,783
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$8,292,944	\$96,999	-\$140,945	\$8,248,998
OPERATING SURPLUS (DEFICIT)	-\$3,800,084	-\$96,999	-\$16,300	-\$3,913,383
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	\$0	\$0	\$0	\$0
CONTRIBUTIONS (8980-8999)	\$2,911,547	\$96,999	\$10,000	\$3,018,546
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	-\$888,537	\$0	-\$6,300	-\$894,837
BEGINNING BALANCE	\$1,017,689		\$0	\$1,017,689
Prior-Year Adjustments/Restatements (9793/9795)			\$0	\$0
CURRENT-YEAR ENDING BALANCE	\$129,152	\$0	-\$6,300	\$122,852
COMPONENTS OF ENDING BALANCE:			\$0	\$0
Reserved Amounts (9711-9740)	\$129,152	\$0	-\$6,300	\$122,852
Reserved for Economic Uncertainties (9770)			\$0	\$0
Designated Amounts (9775-9780)			\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Enter Bargaining Unit:

**Combined General Fund
RDUTA, CSEA, Mgmt & Non Rep.**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$17,592,332	\$0	\$0	\$17,592,332
Remaining Revenues (8100-8799)	\$5,462,071	\$0	-\$157,245	\$5,304,826
TOTAL REVENUES	\$23,054,403	\$0	-\$157,245	\$22,897,158
EXPENDITURES				
Certificated Salaries (1000-1999)	\$8,847,763	\$243,645	-\$24,075	\$9,067,333
Classified Salaries (2000-2999)	\$3,927,793	\$100,602	-\$86	\$4,028,309
Employee Benefits (3000-3999)	\$4,552,125	\$188,468	\$68	\$4,740,661
Books and Supplies (4000-4999)	\$1,570,895	\$0	\$32,658	\$1,603,553
Services, Other Operating Expenses (5000-5999)	\$4,559,679	\$0	-\$185,100	\$4,374,579
Capital Outlay (6000-6999)	\$910,354	\$0	\$34,000	\$944,354
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$0	\$0	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$11,289	\$0	\$0	-\$11,289
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$24,387,320	\$532,715	-\$142,535	\$24,777,500
OPERATING SURPLUS (DEFICIT)	-\$1,332,917	-\$532,715	-\$14,710	-\$1,880,342
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	-\$135,000	\$0	\$0	-\$135,000
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0	\$0
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	-\$1,467,917	-\$532,715	-\$14,710	-\$2,015,342
BEGINNING BALANCE	\$5,744,606	\$0	\$0	\$5,744,606
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
CURRENT-YEAR ENDING BALANCE	\$4,276,689	-\$532,715	-\$14,710	\$3,729,264
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts (9711-9740)	\$144,152	\$0	-\$6,300	\$137,852
Reserved for Economic Uncertainties (9770)	\$1,226,200	\$19,500	\$0	\$1,245,700
Designated Amounts (9775-9780)	\$750,000	\$0	\$0	\$750,000
Unappropriated Amounts - Unrestricted (9790)	\$2,156,337	-\$552,215	-\$8,410	\$1,595,712
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0	\$0
Reserve for Economic Uncertainties Percentage	5.1%			5.1%

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Adult Education Fund 11
RDUTA, CSEA, Mgmt & Non Rep.

Enter Bargaining Unit:

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18 _____)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$80,771	\$0	\$0	\$80,771
TOTAL REVENUES	\$80,771	\$0		\$80,771
EXPENDITURES				
Certificated Salaries (1000-1999)	\$20,576	\$148	\$0	\$20,724
Classified Salaries (2000-2999)	\$8,695	\$276	\$0	\$8,971
Employee Benefits (3000-3999)	\$7,020	\$100	\$0	\$7,120
Books and Supplies (4000-4999)	\$28,164	\$0	-\$1,314	\$26,850
Services, Other Operating Expenses (5000-5999)	\$36,544	\$0	\$790	\$37,334
Capital Outlay (6000-6999)	\$0	\$0	\$0	\$0
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$0	\$0	\$0	\$0
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$100,999	\$524	-\$524	\$100,999
OPERATING SURPLUS (DEFICIT)	-\$20,228	-\$524	\$0	-\$20,752
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	\$0	\$0	\$0	\$0
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0	\$0
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$0	\$0	\$0	\$0
BEGINNING BALANCE	\$20,229	\$0	\$0	\$20,229
Prior-Year Adjustments/Restatements (9793/9795)	\$0	\$0	\$0	\$0
CURRENT-YEAR ENDING BALANCE	\$1	\$0	\$0	\$1
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts (9711-9740)	\$0	\$0	\$0	\$0
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Child Development Fund **12**
Enter Bargaining Unit: **RDUTA, CSEA, Mgmt & Non Rep.**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18 ____)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$246,055	\$0	\$28,400	\$274,455
TOTAL REVENUES	\$246,055	\$0	\$28,400	\$274,455
EXPENDITURES				
Certificated Salaries (1000-1999)	\$18,064	\$276	-\$276	\$18,064
Classified Salaries (2000-2999)	\$144,365	\$3,407	-\$16,407	\$131,365
Employee Benefits (3000-3999)	\$62,012	\$934	-\$9,934	\$53,012
Books and Supplies (4000-4999)	\$2,825	\$0	\$0	\$2,825
Services, Other Operating Expenses (5000-5999)	\$5,500	\$0	\$0	\$5,500
Capital Outlay (6000-6999)	\$2,000	\$0	\$50,400	\$52,400
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$11,289	\$0	\$0	\$11,289
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$246,055	\$4,617	\$23,783	\$274,455
OPERATING SURPLUS (DEFICIT)	\$0	\$0	\$0	\$0
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	\$0	\$0	\$0	\$0
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0	\$0
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$0	-\$4,617	\$4,617	\$0
BEGINNING BALANCE	\$0			\$0
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
CURRENT-YEAR ENDING BALANCE	\$0	-\$4,617	\$4,617	\$0
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts (9711-9740)	\$0			\$0
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

**Enter Bargaining Unit: Cafeteria Fund 13
RDUTA, CSEA, Mgmt & Non Rep.**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 3/4/18 _____)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
REVENUES				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$1,010,635	\$0	\$0	\$1,010,635
TOTAL REVENUES	\$1,010,635	\$0	\$0	\$1,010,635
EXPENDITURES				
Certificated Salaries (1000-1999)	\$0	\$0	\$0	\$0
Classified Salaries (2000-2999)	\$280,640	\$7,347	\$0	\$287,987
Employee Benefits (3000-3999)	\$114,818	\$1,905	\$0	\$116,723
Books and Supplies (4000-4999)	\$12,450	\$0	\$0	\$12,450
Services, Other Operating Expenses (5000-5999)	\$587,148	\$0		\$587,148
Capital Outlay (6000-6999)	\$0	\$0	\$0	\$0
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$0	\$0	\$0	\$0
Other Adjustments	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$995,056	\$9,252	\$0	\$1,004,308
OPERATING SURPLUS (DEFICIT)	\$15,579	-\$9,252	\$0	\$6,327
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	\$0	\$0	\$0	\$0
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0	\$0
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	\$15,579	-\$9,252	\$0	\$6,327
BEGINNING BALANCE	\$103,720			\$103,720
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
CURRENT-YEAR ENDING BALANCE	\$119,299	-\$9,252	\$0	\$110,047
COMPONENTS OF ENDING BALANCE:				
Reserved Amounts (9711-9740)	\$119,298	-\$9,252	\$0	\$110,046
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Combined General Fund
Enter Bargaining Unit: RDUTA, CSEA, Mgmt & Non Rep.

	FY 20117-18	FY 2018-19	FY 2019-20
	Total Current Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
REVENUES			
Revenue Limit Sources (8010-8099)	\$17,592,332	\$18,476,036	\$19,069,819
Remaining Revenues (8100-8799)	\$5,304,826	\$4,650,938	\$4,650,938
TOTAL REVENUES	\$22,897,158	\$23,126,974	\$23,720,757
EXPENDITURES			
Certificated Salaries (1000-1999)	\$9,067,333	\$9,161,933	\$9,253,533
Classified Salaries (2000-2999)	\$4,028,309	\$4,113,509	\$4,154,609
Employee Benefits (3000-3999)	\$4,740,661	\$5,259,581	\$5,665,281
Books and Supplies (4000-4999)	\$1,603,553	\$2,321,533	\$1,531,533
Services, Other Operating Expenses (5000-5999)	\$4,374,579	\$3,478,594	\$3,355,742
Capital Outlay (6000-6999)	\$944,354	\$139,589	\$139,589
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$30,000	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$11,289	-\$11,289	-\$11,289
Other Adjustments	\$0	\$0	\$0
TOTAL EXPENDITURES	\$24,777,500	\$24,493,450	\$24,118,998
OPERATING SURPLUS (DEFICIT)	-\$1,880,342	-\$1,366,476	-\$398,241
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	-\$135,000	-\$135,000	-\$135,000
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0
CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE	-\$2,015,342	-\$1,501,476	-\$533,241
BEGINNING BALANCE	\$5,744,606	\$3,729,264	\$2,227,788
CURRENT-YEAR ENDING BALANCE	\$3,729,264	\$2,227,788	\$1,694,547
COMPONENTS OF ENDING BALANCE:			
Reserved Amounts (9711-9740)	\$137,852	\$15,000	\$15,000
Reserved for Economic Uncertainties - Unrestricted (9770)	\$1,245,700	\$1,231,500	\$1,212,700
Reserved for Economic Uncertainties - Restricted (9770)	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$750,000	\$0	\$0
Unappropriated Amounts - Unrestricted (9790)	\$1,595,712	\$981,288	\$466,847
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0

J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

		FY 20117-18	FY 2018-19	FY 2019-20
a.	Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement)	\$24,912,500	\$24,628,450	\$24,253,998
b.	State Standard Minimum Reserve Percentage for this District 3.0 enter percentage:	5%	5%	5%
c.	State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b, OR \$50,000	\$1,245,625	\$1,231,423	\$1,212,700

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

a.	General Fund Budgeted Unrestricted Designated for Economic Uncertainties (9770)	\$1,245,700	\$1,231,500	\$1,212,700
b.	General Fund Budgeted Unrestricted Unappropriated Amount (9790)	\$1,595,712	\$981,288	\$466,847
c.	Special Reserve Fund (Fund 17) Budgeted Designated for Economic Uncertainties (9770)	\$0	\$0	\$0
d.	Special Reserve Fund (Fund 17) Budgeted Unappropriate Amount (9790)	\$68,425	\$68,425	\$68,425
g.	Total Available Reserves	\$2,909,837	\$2,281,213	\$1,747,972
h.	Reserve for Economic Uncertainties Percentage	11.7%	9.3%	7.2%

3. Do unrestricted reserves meet the state minimum reserve amount?

FY 20117-18	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
FY 2018-19	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
FY 2019-20	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

4. If no, how do you plan to restore your reserves?

N/A

5. If the total amount of the adjustment in Column 2 on Page 4 does not agree with the amount of the Total Compensation Increase in Section A, Line 5, Page 1 (i.e., increase was partially budgeted), explain the variance below: The increase was partially budgeted.

6. Please include any additional comments and explanation of Page 4 if necessary:

L. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICTS ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the district Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of River Delta Unified School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and RDUTA, the CSEA Classified Bargaining Unit, and the Management/Admin and Unrepresented personnel during the term of the agreement from 7/1/2017 to 6/30/18.

The budget revisions necessary to meet the costs of the agreement is each year of its term are as follows:

<u>Budget Adjustment Categories:</u>	<u>Budget Adjustment Increase (Decrease)</u>
<u>Revenues/Other Financing Sources</u>	<u>0</u>
<u>Expenditures/Other Financing Uses</u>	<u>404,049</u>
<u>Ending Balance Increase (Decrease)</u>	<u>(560,625)</u>

_____ (No budget revisions necessary)



District Superintendent
(Signature)

3/28/2018

Date



Chief Business Officer
(Signature)

3/28/2018

Date

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

445 Montezuma Street
Rio Vista, CA 94571-1651



BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018, 6:30 P.M.
Location: Clarksburg Middle School

Attachments: Yes

Item Number: 14

From: Don Beno, Superintendent

SUBJECT: Request the Board approve Award of the Roofing and Gutter Systems Bids to D7 Roofing Services, Inc., of Sacramento, CA for:

Action: Yes

Consent Action: _____

Information Only: _____

Delta High School at Building G (Wood Shop).
Walnut Grove Elementary School at Buildings B & C (Main Building),
Walkway and Building A (Classrooms)
Isleton Elementary School at Buildings B (Administration/Library) and E & F
(Main/Classroom).
Rio Vista High School at Buildings B (Wood Shop) and D (Library/Cafeteria)

Background: On April 27th, 2018, bids were received as follows: The bid tabulation sheets are attached. D7 Roofing Services, Inc. turned in the low, responsive bid for the four (4) Projects. The scope of work includes re-roofing, new gutters and flashing work. Amounts listed included Base Bid plus alternate items.

Delta High School in the amount of \$108,768
Walnut Grove Elementary in the amount of \$412,792
Isleton Elementary in the amount of \$183,917
Rio Vista High School in the amount of \$ 150,213
Combined Total of \$ 855,690

Status: The existing roofing is beyond its useful life and failing. The District has identified these projects as high priority projects with the remaining SFID-1 & 2 Bond funds. The Contractor has been vetted. All bid documents were found to be in order. The Contractor is ready to proceed promptly upon award and execution of contracts and bonds. Contracts are District standard contracts prepared by District Counsel and RGM.

Presenter: Don Beno

Other People Who Might Be Present: Craig Hamblin

Cost &/or Funding Sources: SFID-1 & 2 Bond funds, ERP and Fund 01-0480 (One time funds)

Recommendation: That the Board approve a budget of \$941,259 and to authorize the Superintendent to finalize contracts and alternate bid items with D7 Roofing Services Inc. of Sacramento, CA for Roofing and Gutter Systems at Delta High School, Walnut Grove Elementary School, Isleton Elementary School, and Rio Vista High School.

Time: _____ 5 mins. _____

PROJECT NAME:

Delta High School Roofing and Gutter Systems at Buildings D & O (Gym) and G (Wood Shop)

BIDS DUE:

Friday, April 27, 2018, 2:00 p.m.

AT:

**River Delta Unified School District
445 Montezuma Street
Rio Vista, CA 94571**

CONTRACTOR	ADDENDA	ATTACHMENTS		BASE BID
D7 Roofing Services, Inc. 205 23rd Street Sacramento, CA 95818 CSLB# 746471 DIR # 1000008496	1 <u>X</u>	x	Bid Form	Total Base Bid: \$108,768.00 Building G (Wood Shop) Alternate #1 \$443,619.00 Buildings D & O (Gym) Total \$552,387.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Pioneer Contractors Inc. 1485 Armstrong Avenue San Francisco, CA 94124 CSLB# 777064 DIR # 1000002195	1 <u>X</u>	x	Bid Form	Total Base Bid: \$205,000.00 Building G (Wood Shop) Alternate #1 \$923,000.00 Buildings D & O (Gym) Total \$1,128,000.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Rue & Sons Mechanical Inc. 4265 Duluth Avenue Rocklin, CA 95765 CSLB## 816570 DIR # 1000002506	1 <u>X</u>		Bid Form	Total Base Bid: \$763,000.00 Building G (Wood Shop) Alternate #1 \$0.00 Buildings D & O (Gym) Total \$763,000.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	

PROJECT NAME:

Walnut Grove Elementary School Roofing and Gutter Systems at Buildings A (Classrooms) B & C (Main Building) and Walkway

BIDS DUE:

Friday, April 27, 2018, 2:00 p.m.

AT:

**River Delta Unified School District
445 Montezuma Street
Rio Vista, CA 94571**

CONTRACTOR	ADDENDA	ATTACHMENTS		BASE BID
D7 Roofing Services, Inc. 205 23rd Street Sacramento, CA 95818 CSLB# 746471 DIR # 1000008496	1 <input checked="" type="checkbox"/>	x	Bid Form	Total Base Bid: \$401,424.00 Building A (Classrooms), Walkway Alternate #1 \$11,368.00 Buildings B & C (Main Building) Total \$412,792.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Pioneer Contractors Inc. 1485 Armstrong Avenue San Francisco, CA 94124 CSLB# 777064 DIR # 1000002195	1 <input checked="" type="checkbox"/>	x	Bid Form	Total Base Bid: \$753,970.00 Building A (Classrooms), Walkway Alternate #1 \$20,000.00 Buildings B & C (Main Building) Total \$773,970.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Rue & Sons Mechanical Inc. 4265 Duluth Avenue Rocklin, CA 95765 CSLB## 816570 DIR # 1000002506	1 <input checked="" type="checkbox"/>		Bid Form	Total Base Bid: \$553,000.00 Building A (Classrooms), Walkway Alternate #1 \$0.00 Buildings B & C (Main Building) Total \$553,000.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	

PROJECT NAME:

Isleton Elementary School Roofing and Gutter Systems at Buildings B (Administration/Library) and E & F (Main Classroom)y

BIDS DUE:

Friday, April 27, 2018, 2:00 p.m.

AT:

**River Delta Unified School District
445 Montezuma Street
Rio Vista, CA 94571**

CONTRACTOR	ADDENDA	ATTACHMENTS		BASE BID
D7 Roofing Services, Inc. 205 23rd Street Sacramento, CA 95818 CSLB# 746471 DIR # 1000008496	1 <u>X</u>	x	Bid Form	Total Base Bid: \$159,279.00 Building B (Admin/Library) Alternates #1 & 2 \$24,638.00 Buildings E & F (Main Classroom) Total \$183,917.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Pioneer Contractors Inc. 1485 Armstrong Avenue San Francisco, CA 94124 CSLB# 777064 DIR # 1000002195	1 <u>X</u>	x	Bid Form	Total Base Bid: \$303,600.00 Building B (Admin/Library) Alternates #1 & 2 \$15,400.00 Buildings E & F (Main Classroom) Total \$319,000.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Rue & Sons Mechanical Inc. 4265 Duluth Avenue Rocklin, CA 95765 CSLB## 816570 DIR # 1000002506	1 <u>X</u>		Bid Form	Total Base Bid: \$223,960.00 Building B (Admin/Library) Alternates #1 & 2 \$0.00 Buildings E & F (Main Classroom) Total \$223,960.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	

PROJECT NAME:

Rio Vista High School Roofing and Gutter Systems at Buildings D (Library/Cafeteria) and B (Wood Shop)

BIDS DUE:

Friday, April 27, 2018, 2:00 p.m.

AT:

**River Delta Unified School District
445 Montezuma Street
Rio Vista, CA 94571**

CONTRACTOR	ADDENDA	ATTACHMENTS		BASE BID
D7 Roofing Services, Inc. 205 23rd Street Sacramento, CA 95818 CSLB# 746471 DIR # 1000008496	1 <u>X</u>	x	Bid Form	Total Base Bid: \$138,845.00 Building B (Wood Shop) Alternate #1 \$11,368.00 Building D (Library/Cafeteria) Total \$150,213.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Greentech Industry Inc. 1850 Gateway Blvd. Concord, CA 94520 CSLB # 951220 DIR # 1000017067	1 <u>X</u>		Bid Form	Total Base Bid: \$294,400.00 Building B (Wood Shop) Alternate #1 \$0.00 Building D (Library/Cafeteria) Total \$294,400.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	
Rue & Sons Mechanical Inc. 4265 Duluth Avenue Rocklin, CA 95765 CSLB## 816570 DIR # 1000002506	1 <u>X</u>		Bid Form	Total Base Bid: \$123,290.00 Building B (Wood Shop) Alternate #1 \$0.00 Building D (Library/Cafeteria) Total \$123,290.00
		x	Bid Bond or Cashier's Check	
		x	Subcontractor List	
		x	Non-Collusion Declaration	
		x	Sufficient Funds Declaration	
		x	Fingerprinting Notice	
		x	Iran Contracting ACT Cert.	
		x	Worker's Compensation Certification	
		x	Drug Free Certification	

BOARD OF TRUSTEES
RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street
Rio Vista, CA 94571-1651

BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018

Attachments: X

From: Carrie Norris

Item Number: 15

SUBJECT

Action: X

Request to approve the First 5 School Readiness Contract
Extension for fiscal years 2018-2021

Consent Action: _____
Information Only: _____

Background: River Delta Unified School District currently holds a First 5 Sacramento School Readiness grant. This grant has assisted in preparing children for kindergarten, assisting parents in developing greater understanding of their child and obtaining the role as their child's first teacher. In addition, the School Readiness staff has bridged the gap between the elementary schools and the incoming kindergarten students through supporting our local pre-schools and providing readiness activities aimed at prenatal-5 years old. Parents have found the School Readiness Program to be a resource for them and their children

Status: River Delta Unified School District currently holds a First 5 School Readiness grant. This grant cycle is scheduled to end June 30, 2018. First 5 has approved our next three year grant cycle pending RDUSD board approval. Upon approval, River Delta Unified School District's School Readiness Program will continue with all services at Bates, Isleton, and Walnut Grove, including parent/child play groups, supporting pre-schools at Isleton, Walnut Grove, and the Courtland YMCA, parenting classes, story times, home visitor program, and family resource center at WGE, as well as a parent center at Isleton.

Presenter: Carrie Norris/Don Beno

Other People Who Might Be Present:

Cost &/or Funding Sources First 5 Sacramento will fund fiscal years 2018-2021 School Readiness grant. Funding amount is **\$867,081 split evenly over 3 years.**

Recommendation: For the board to approve Superintendent to contractually agree to First 5 Sacramento Readiness three year contract extension funding for fiscal years 2018-2021 at a total of \$867,081.

Time: 5 mins.

FIRST 5 SACRAMENTO COMMISSION

**AGREEMENT
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Attachments:

- Exhibit A – Scope of Services
- Exhibit B – Budget Requirements

AGREEMENT

THIS AGREEMENT is made and entered into as of this 1st day of July, 2018, by and between the FIRST 5 SACRAMENTO COMMISSION, hereinafter referred to as "COMMISSION," and RIVER DELTA UNIFIED SCHOOL DISTRICT, hereinafter referred to as "CONTRACTOR."

RECITALS

WHEREAS, School Readiness is central to the COMMISSION's mission to support the healthy development of children prenatal to age five, the empowerment of families and the strengthening of communities; and

WHEREAS, School Readiness fosters optimal early childhood development in several areas that include social, physical, emotional, language and learning, and provides programs/services to children ages 0-5 to ensure children enter school ready to learn; and

WHEREAS on June 5, 2017, the COMMISSION approved the 2018 Strategic Plan for Fiscal Years 2018-19 through 2020-21, and the Plan included school readiness services; and

WHEREAS on August 7, 2017, the COMMISSION approved the 2018 Implementation Plan which designated resources for school readiness services with a funding level of \$12.5 million over the three-year funding period and approved nine school districts for the provision of school readiness services; and

WHEREAS, on November 13, 2017, CONTRACTOR responded to a non-competitive Request for Applications (RFA) and met the requirements of the RFA; and

WHEREAS, on February 5, 2018, the COMMISSION approved the School Readiness Program with CONTRACTOR for three years (July 1, 2018 through June 30, 2021). The new Agreement with CONTRACTOR will not exceed \$867,081 and is authorized through Resolution No. FFC-2018-0001; and

WHEREAS, COMMISSION AND CONTRACTOR desire to enter into this Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, COMMISSION and CONTRACTOR agree as follows:

1. SCOPE OF SERVICES

CONTRACTOR shall provide services in the amount, type and manner described in Exhibit A, *Scope of Services*, which is attached hereto and incorporated herein.

2. TERM

This Agreement shall be effective and commence on July 1, 2018 and shall end on June 30, 2021.

3. SUPLANTATION OF FUNDS

Funding from First 5 shall be used exclusively to develop new projects, expand existing programs and/or services or to enhance existing programs and services.

CONTRACTOR shall not utilize funding from First 5 to supplant state or local General Fund money for any purpose. If, upon receipt of funding from First 5, CONTRACTOR uses such funds to replace state or federal categorical funds, CONTRACTOR shall demonstrate to the COMMISSION'S satisfaction that such state or federal categorical funds have increased the level of services provided to children 0-5 years of age.

CONTRACTOR shall execute a certification that it has complied with the anti-supplantation requirement stated in Section 30131.4 of the California Tax & Revenue Code. Such certification shall be executed prior to release of funding from First 5 and CONTRACTOR shall annually execute such certification as part of the fiscal audit requirement. If COMMISSION determines that supplantation has occurred, CONTRACTOR shall be required to reimburse COMMISSION for all funding from First 5 that was used in violation of this Section. Use of funding from First 5 in violation of this Section shall be grounds for termination of this Agreement.

4. NOTICE

Any notice, demand, request, consent, or approval that either party hereto may or is required to give the other pursuant to this Agreement shall be in writing and shall be either personally delivered or sent by mail, addressed as follows:

First 5 Sacramento Commission

River Delta Unified School District

Julie Gallelo, Executive Director
2750 Gateway Oaks Drive, Suite 330
Sacramento, CA 95833

Carrie Norris, Principal, Walnut Grove
Elementary
445 Montezuma Street
Rio Vista, CA 94571-1651

Either party may change the address to which subsequent notice and/or other communications can be sent by giving written notice designating a change of address to the other party, which shall be effective upon receipt.

5. DIRECTOR

As used in this Agreement, "DIRECTOR" shall mean the Executive Director of the First 5 Sacramento Commission or his/her designee.

6. COMPLIANCE WITH LAWS

CONTRACTOR shall observe and comply with all applicable Federal, State, and County laws, regulations and ordinances.

7. GOVERNING LAWS AND JURISDICTION

This Agreement shall be deemed to have been executed and to be performed within the State of California and shall be construed and governed by the internal laws of the State of California. Any legal proceedings arising out of or relating to this Agreement shall be brought in Sacramento County, California.

8. LICENSES, PERMITS AND CONTRACTUAL GOOD STANDING

- A. CONTRACTOR shall possess and maintain all necessary licenses, permits, certificates and credentials required by the laws of the United States, the State of California, County of Sacramento and all other appropriate governmental agencies, including any certification and credentials required by COMMISSION. Failure to maintain the licenses, permits, certificates, and credentials shall be deemed a breach of this Agreement and constitutes grounds for the termination of this Agreement by COMMISSION.
- B. CONTRACTOR further certifies to COMMISSION that it and its principals are not debarred, suspended, or otherwise excluded from or ineligible for, participation in federal, State or county government contracts. Contractor certifies that it shall not contract with a Subcontractor that is so debarred or suspended.

9. PERFORMANCE STANDARDS

CONTRACTOR shall perform services required under this Agreement in accordance with the professional standards applicable to CONTRACTOR'S services. Work products delivered to the COMMISSION pursuant to this Agreement shall be prepared in a first-class manner and shall conform to the standards of quality normally observed by a person practicing in CONTRACTOR'S profession.

10. OWNERSHIP OF WORK PRODUCT

All technical data, evaluations, plans, specifications, reports, documents, or other work products of CONTRACTOR provided hereunder shall become the property of COMMISSION and shall be delivered to COMMISSION upon completion of the services authorized hereunder; provided, however, that any capital improvement constructed with funds received from COMMISSION shall be the property of CONTRACTOR. CONTRACTOR may retain copies thereof for its files and internal use. Publication of the information directly derived from work performed or data obtained in connection with services rendered under this Agreement must first be approved in writing by COMMISSION. COMMISSION recognizes that all technical data, evaluations, plans, specifications, reports, and other work products are instruments of CONTRACTOR'S services and are not designed for use other than what is intended by this Agreement.

11. PUBLIC STATEMENTS/MATERIALS

CONTRACTOR shall use COMMISSION'S logo in all media statements, press release(s), statements to the public or printed materials i.e. brochures, newsletters, websites and promotional materials, that are developed to describe and promote COMMISSION funded programs and CONTRACTOR shall indicate on said materials that the program is "Funded by the First 5 Sacramento Commission."

CONTRACTOR shall submit all public statements/materials to the COMMISSION'S Communications and Media Officer or authorized staff for review and approval prior to release to the public. Any exceptions to using the COMMISSION'S logo must be pre-approved by the COMMISSION.

12. STATUS OF CONTRACTOR

- A. It is understood and agreed that CONTRACTOR (including CONTRACTOR'S employees) is an independent CONTRACTOR and that no relationship of employer-employee exists between the parties hereto. CONTRACTOR'S assigned personnel shall not be entitled to any benefits payable to employees of COMMISSION. COMMISSION is not required to make any deductions or withholdings from the compensation payable to CONTRACTOR under the provisions of this agreement; and as an independent CONTRACTOR, CONTRACTOR hereby indemnifies and holds COMMISSION harmless from any and all claims that may be made against COMMISSION based upon any contention by any third party that an employer-employee relationship exists by reason of this agreement.
- B. It is further understood and agreed by the parties hereto that CONTRACTOR in the performance of its obligation hereunder is subject to the control or direction of COMMISSION as to the designation of tasks to be performed, the results to be accomplished by the services hereunder agreed to be rendered and performed, and not the means, methods, or sequence used by CONTRACTOR for accomplishing the results.
- C. If, in the performance of this agreement, any third persons are employed by CONTRACTOR, such person shall be entirely and exclusively under the direction, supervision, and control of CONTRACTOR. All terms of employment, including hours, wages, working conditions, discipline, hiring, and discharging, or any other terms of employment or requirements of law, shall be determined by CONTRACTOR, and the COMMISSION shall have no right or authority over such persons or the terms of such employment.
- D. It is further understood and agreed that as an independent CONTRACTOR and not an employee of COMMISSION, neither the CONTRACTOR nor CONTRACTOR'S assigned personnel shall have any entitlement as a COMMISSION employee, right to act on behalf of COMMISSION in any capacity whatsoever as agent, nor to bind COMMISSION to any obligation whatsoever. CONTRACTOR shall not be covered by worker's compensation; nor shall CONTRACTOR be entitled to compensated sick leave, vacation leave, retirement entitlement, participation in group health, dental, life and other insurance programs, or entitled to other fringe benefits payable by the COMMISSION to employees of the COMMISSION.
- E. It is further understood and agreed that CONTRACTOR must issue W-2 and 941 Forms for income and employment tax purposes, for all of CONTRACTOR'S assigned personnel under the terms and conditions of this agreement.

13. CONTRACTOR IDENTIFICATION

CONTRACTOR shall provide the COMMISSION with the following information for the purpose of compliance with California Unemployment Insurance Code Section 1088.8: CONTRACTOR'S name, residence address, telephone number, tax identification number, and whether dependent health insurance coverage is available to CONTRACTOR.

14. BENEFITS WAIVER

If CONTRACTOR is unincorporated, CONTRACTOR acknowledges and agrees that CONTRACTOR is not entitled to receive the following benefits and/or compensation from COMMISSION: medical, dental, vision and retirement benefits, life and disability insurance, sick leave, bereavement leave, jury duty leave, parental leave, or any other similar benefits or compensation otherwise provided to permanent civil service employees pursuant to the County Charter, the County Code, the Civil Service Rule, the Sacramento County Employees' Retirement System and/or any and all memoranda of understanding between COMMISSION and its employee organizations. Should any employee or agent of CONTRACTOR seek to obtain such benefits from COMMISSION, CONTRACTOR agrees to indemnify and hold harmless COMMISSION from any and all claims that may be made against COMMISSION for such benefits.

15. CONFLICT OF INTEREST

CONTRACTOR and CONTRACTOR'S officers and employees shall not have a financial interest, or acquire any financial interest, direct or indirect, in any business, property, or source of income which could be financially affected by or otherwise conflict in any manner or degree with the performance of services required under this Agreement.

16. LOBBYING AND UNION ORGANIZATION ACTIVITIES

- A. CONTRACTOR shall comply with all certification and disclosure requirements prescribed by Section 319, Public Law 101-121 (31 U.S.C. § 1352) and any implementing regulations.
- B. If services under this Agreement are funded with state funds granted to COMMISSION, CONTRACTOR shall not utilize any such funds to assist, promote or deter union organization by employees performing work under this Agreement and shall comply with the provisions of Government Code Sections 16645 through 16649.

17. GOOD NEIGHBOR POLICY

- A. CONTRACTOR shall comply with COMMISSION'S Good Neighbor Policy. CONTRACTOR shall establish good neighbor practices for its facilities that include, but are not limited to, the following:
 - 1. Provision of parking adequate for the needs of its employees and service population;
 - 2. Provision of adequate waiting and visiting areas;
 - 3. Provision of adequate restroom facilities located inside the facility;
 - 4. Implementation of litter control services;
 - 5. Removal of graffiti within seventy-two hours;
 - 6. Provision of control of loitering and management of crowds;
 - 7. Maintenance of facility grounds, including landscaping, in a manner that is consistent with the neighborhood in which the facility is located;

8. Participation in area crime prevention and nuisance abatement efforts; and
 9. Undertake such other good neighbor practices as determined appropriate by COMMISSION, based on COMMISSION'S individualized assessment of CONTRACTOR'S facility, services and actual impacts on the neighborhood in which such facility is location.
- B. CONTRACTOR shall identify, either by sign or other method as approved by the DIRECTOR, a named representative who shall be responsible for responding to any complaints relating to CONTRACTOR'S compliance with the required good neighbor practices specified in this Section. CONTRACTOR shall post the name and telephone number of such contact person on the outside of the facility, unless otherwise advised by DIRECTOR.
 - C. CONTRACTOR shall comply with all applicable public nuisance ordinances.
 - D. CONTRACTOR shall establish an ongoing relationship with the surrounding businesses, law enforcement and neighborhood groups and shall be an active member of the neighborhood in which CONTRACTOR'S site is located
 - E. If COMMISSION finds that CONTRACTOR has failed to comply with the Good Neighbor Policy, COMMISSION shall notify CONTRACTOR in writing that corrective action must be taken by CONTRACTOR within a specified time frame. If CONTRACTOR fails to take the necessary corrective action, COMMISSION shall take such actions as are necessary to implement the necessary corrective action. COMMISSION shall deduct any actual costs incurred by COMMISSION when implementing such corrective action from any amounts payable to CONTRACTOR under this Agreement.
 - F. CONTRACTOR'S continued non-compliance with the Good Neighbor Policy shall be grounds for termination of this Agreement any may also result in ineligibility for additional or future contracts with COMMISSION.

18. ANTI-TOBACCO POLICY

CONTRACTOR shall comply with COMMISSION'S Anti-Tobacco Policy that was approved by the COMMISSION on March 3, 2003. CONTRACTOR shall be required to certify compliance with the anti-tobacco policy prior to receipt of COMMISSION funds.

19. USE OF FUNDS

Funds provided by the COMMISSION shall be expended only for the purposes authorized by the "California Children and Families First Act of 1998."

20. NONDISCRIMINATION IN EMPLOYMENT, SERVICES, BENEFITS AND FACILITIES

- A. CONTRACTOR agrees and assures COMMISSION that CONTRACTOR and any subcontractors shall comply with all applicable federal, state, and local anti-discrimination laws, regulations, and ordinances and to not unlawfully discriminate, harass, or allow harassment against any employee, applicant for employment, employee or agent of COMMISSION, or recipient of services contemplated to be provided or provided under this Agreement, because of race,

ancestry, marital status, color, religious creed, political belief, national origin, ethnic group identification, sex, sexual orientation, age (over 40), medical condition (including HIV and AIDS), or physical or mental disability.

CONTRACTOR shall ensure that the evaluation and treatment of its employees and applicants for employment, the treatment of COMMISSION employees and agents, and recipients of services are free from such discrimination and harassment.

- B. CONTRACTOR represents that it is in compliance with and agrees that it will continue to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and regulations and guidelines issued pursuant thereto.
- C. CONTRACTOR agrees to compile data, maintain records and submit reports to permit effective enforcement of all applicable anti-discrimination laws and this provision.
- D. CONTRACTOR shall include this nondiscrimination provision in all subcontracts related to this Agreement.
- E. If CONTRACTOR is a faith-based organization or contracts with a faith-based organization for services to be performed under this Agreement, participation in the faith shall not be a prerequisite for receiving services. Outreach for services utilizing funding from First 5 will be to the community at large, and shall not be limited to those members of the community that share the same faith as CONTRACTOR or its agents.

21. MANDATED REPORTING

CONTRACTOR shall comply with the training requirements for identification and reporting of child abuse as defined in Penal code Section 11165.7. All training shall be documented in an individual personnel file. CONTRACTOR shall establish procedures for paid and volunteer staff for reporting suspected child abuse cases.

22. COMPLIANCE WITH CHILD, FAMILY AND SPOUSAL SUPPORT REPORTING REQUIREMENTS

- A. CONTRACTOR'S failure to comply with state and federal child, family and spousal support reporting requirements regarding a CONTRACTOR'S employees or failure to implement lawfully served wage and earnings assignment orders or notices of assignment relating to child, family and spousal support obligations shall constitute a default under this Agreement.
- B. CONTRACTOR'S failure to cure such default within 90 days of notice by COMMISSION shall be grounds for termination of this Agreement.

23. CONFIDENTIALITY

CONTRACTOR shall comply with all applicable state and/or federal confidentiality statutes to assure that:

- A. All applications and records concerning an individual made or kept by CONTRACTOR, COMMISSION, or any public officer or agency in connection with the administration of any provisions of the Welfare and Institutions Code relating to any form of public social services or for services provided under this Agreement, for which grants in aid are received by this State from the Federal Government, shall be confidential and shall not be open to examination for any purpose not directly connected with the administration of such public social services, without the written consent of COMMISSION.
- B. No person shall publish or disclose, or use or permit or cause to be published, disclosed, or used, any confidential information pertaining to a participant, including the fact of the participant's status as an applicant for or recipient of public social services.
- C. CONTRACTOR shall inform all of its officers, employees, agents, subcontractors and partners of the above provisions, and that a knowing and intentional violation of said provisions of State and/or federal law may be a misdemeanor.

24. INDEMNIFICATION

To the extent permitted by law, CONTRACTOR shall defend, indemnify and hold harmless COMMISSION, its Board of Supervisors, officers, directors, agents, employees and volunteers from and against all demands, claims, actions, liabilities, losses, damages, and costs, including payment of reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of CONTRACTOR'S officers, directors, agents, or employees.

To the extent permitted by law, COMMISSION shall defend, indemnify and hold harmless CONTRACTOR, its officers, directors, agents, employees, and subcontractors from and against all demands, claims, actions, liabilities, losses, damages and costs, including payment of reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of COMMISSION 's Board of Supervisors, officers, directors, agents, employees, or volunteers.

It is the intention of COMMISSION and CONTRACTOR that the provisions of this paragraph be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective officers, directors, agents, employees, volunteers, or COMMISSION'S Board of Supervisors. It is also the intention of COMMISSION and CONTRACTOR that, where comparative fault is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate cost of any damage attributable to the fault of that party, its officers, directors, agents, employees, volunteers, or COMMISSION'S Board of Supervisors.

This indemnity shall not be limited by the types and amounts of insurance or self-insurance maintained by the parties to the Agreement.

Nothing in this Indemnity shall be construed to create any duty to, any standard of care with reference to, or any liability or obligation, contractual or otherwise, to any third party.

The provisions of this Indemnity shall survive the expiration or termination of the Agreement.

25. INSURANCE

Each party, at its sole cost and expense, shall carry insurance or self-insure its activities in connection with this Agreement, and obtain and keep in force insurance or equivalent programs of self-insurance, for general liability, professional liability, workers' compensation, and automobile liability adequate to cover its potential liabilities hereunder. Each party agrees to provide thirty (30) days' advance written notice of any cancellation, termination, or lapse of any of the insurance or self-insurance coverage's.

26. INFORMATION TECHNOLOGY ASSURANCES

CONTRACTOR shall take all reasonable precautions to ensure that any hardware, software, and/or embedded chip devices used by CONTRACTOR in the performance of services under this Agreement, other than those owned or provided by COMMISSION, shall be free from viruses. Nothing in this provision shall be construed to limit any rights or remedies otherwise available to COMMISSION under this Agreement.

27. COMPENSATION AND PAYMENT OF INVOICES LIMITATIONS

- A. Compensation under this Agreement shall be limited to the Maximum Total Payment Amount set forth in Exhibit B, or Exhibit B as modified by COMMISSION in accordance with express provisions in this Agreement.
- B. CONTRACTOR shall submit an invoice in the format and in accordance with the procedures prescribed by COMMISSION on a quarterly basis, upon completion of services. Invoices shall be submitted to COMMISSION no later than the fifteenth (15th) day of the month following the invoice period, and COMMISSION shall pay CONTRACTOR within thirty (30) days after receipt of an appropriate and correct invoice.
- C. Excepting the fiscal year and invoices, invoices for services that are received more than ninety (90) days after the last day of the billing period may not be honored unless the CONTRACTOR has obtained prior written approval for such late submittal.
- D. COMMISSION operates on a July through June fiscal year. Fiscal year end invoices for services provided in any fiscal year must be submitted no later than July 31, one month after the end of the fiscal year. Invoices submitted after July 31 for the prior fiscal year shall not be honored by COMMISSION unless CONTRACTOR has obtained prior written COMMISSION approval to the contrary.
- E. Invoices shall be considered to have been received only when all accurate and necessary budget revisions, quarterly reports, and accurate and complete evaluation data have also been received.
- F. CONTRACTOR shall maintain for four years following termination of this agreement full and complete documentation of all services and expenditures

associated with performing the services covered under this Agreement. Expense documentation shall include: time sheets or payroll records for each employee; receipts for supplies; applicable subcontract expenditures; applicable overhead and indirect expenditures.

- G. In the event CONTRACTOR fails to comply with any provisions of this Agreement, COMMISSION may withhold payment until such non-compliance has been corrected.

28. LEGAL TRAINING INFORMATION

If under this Agreement CONTRACTOR is to provide training of COMMISSION personnel on legal issues, then CONTRACTOR shall submit all training and program material for prior review and written approval by County Counsel. Only those materials approved by County Counsel shall be utilized.

29. SUBCONTRACTS, ASSIGNMENT

- A. CONTRACTOR shall obtain prior written approval from COMMISSION before subcontracting any of the services delivered under this Agreement. CONTRACTOR shall obtain prior written approval from the COMMISSION if it becomes necessary to change the Subcontractor(s) identified in subsection C of this section. CONTRACTOR remains legally responsible for the performance of all Agreement terms including work performed by third parties under subcontracts. Any subcontracting will be subject to all applicable provisions of this Agreement. CONTRACTOR shall be held responsible by COMMISSION for the performance of any Subcontractor whether approved by COMMISSION or not. CONTRACTOR shall require its Subcontractors to comply with the provisions of this Agreement.
- B. This Agreement is not assignable by CONTRACTOR in whole or in part, without the prior written consent of COMMISSION.
- C. Notwithstanding Subsection A, CONTRACTOR is authorized to subcontract with:

Save The Children Federation, Inc.

30. AMENDMENT AND WAIVER

Except as provided herein, no alteration, amendment, variation, or waiver of the terms of this Agreement shall be valid unless made in writing and signed by both parties. Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent, or any other right hereunder. No interpretation of any provision of this Agreement shall be binding upon the COMMISSION unless agreed in writing by DIRECTOR and counsel for COMMISSION.

31. ENTIRE AGREEMENT

This Agreement, together with all exhibits attached hereto, constitutes the entire Agreement between the parties hereto, all other representation or statements heretofore made, verbal or written, are merged herein.

32. SUCCESSORS

This Agreement shall bind the successors of COMMISSION and CONTRACTOR in the same manner as if they were expressly named.

33. TIME

Time is of the essence of this Agreement.

34. INTERPRETATION

This Agreement shall be deemed to have been prepared equally by both of the parties, and the Agreement and its individual provisions shall not be construed or interpreted more favorably for one party on the basis that the other party prepared it.

35. DISPUTES

In the event of any dispute arising out of or relating to this Agreement, the parties shall attempt, in good faith, to promptly resolve the dispute mutually between themselves. Pending resolution of any such dispute, CONTRACTOR shall continue without delay to carry out all its responsibilities under this Agreement unless the Agreement is otherwise terminated in accordance with the Termination provisions herein. COMMISSION shall not be required to make payments for any services that are the subject of this dispute resolution process until such dispute has been mutually resolved by the parties. If the dispute cannot be resolved within 15 calendar days of initiating such negotiations or such other time period as may be mutually agreed to by the parties in writing, either party may pursue its available legal and equitable remedies, pursuant to the laws of the State of California. Nothing in this Agreement or provision shall constitute a waiver of any of the government claim filing requirements set forth in Title 1, Division 3.6, of the California Government Code or as otherwise set forth in local, state and federal law.

36. TERMINATION

- A. COMMISSION may terminate this Agreement without cause upon thirty (30) days written notice to the other party. Notice shall be deemed served on the date of mailing. If notice of termination for cause is given by COMMISSION to CONTRACTOR and it is later determined that CONTRACTOR was not in default or the default was excusable, then the notice of termination shall be deemed to have been given without cause pursuant to this paragraph (A).
- B. COMMISSION may terminate this Agreement for cause immediately upon giving written notice to CONTRACTOR should CONTRACTOR materially fail to perform any of the covenants contained in this Agreement in the time and/or manner specified. In the event of such termination, COMMISSION may proceed with the work in any manner deemed proper by COMMISSION. If notice of termination for cause is given by COMMISSION to CONTRACTOR and it is later determined that CONTRACTOR was not in default or the default was excusable, then the notice of termination shall be deemed to have been given without cause pursuant to paragraph (A) above.
- C. COMMISSION may terminate or amend this Agreement immediately upon giving written notice to CONTRACTOR, 1) if advised that funds are not available from

external sources for this Agreement or any portion thereof, including if distribution of such funds to the COMMISSION is suspended or delayed; 2) if funds for the services and/or programs provided pursuant to this Agreement are not appropriated by the State; 3) if funds in COMMISSION's yearly proposed and/or final budget are not appropriated by COMMISSION for this Agreement or any portion thereof; 4) if funds that were previously appropriated for this Agreement are reduced, eliminated, and/or re-allocated by COMMISSION as a result of mid-year budget reductions.

- D. If this Agreement is terminated under paragraph A or C above, CONTRACTOR shall only be paid for any services completed and provided prior to notice of termination. In the event of termination under paragraph A or C above, CONTRACTOR shall be paid an amount which bears the same ratio to the total compensation authorized by the Agreement as the services actually performed bear to the total services of CONTRACTOR covered by this Agreement, less payments of compensation previously made. In no event, however, shall COMMISSION pay CONTRACTOR an amount which exceeds a pro rata portion of the Agreement total based on the portion of the Agreement term that has elapsed on the effective date of the termination.
- E. CONTRACTOR shall not incur any expenses under this Agreement after notice of termination and shall cancel any outstanding expenses obligations to a third party that CONTRACTOR can legally cancel.

37. EVALUATION

- A. CONTRACTOR shall participate in and comply with results-based and community impact evaluation activities including training and technical assistance, sponsored by the COMMISSION.
- B. CONTRACTOR shall participate in and cooperate with COMMISSION'S evaluation consultants and other COMMISSION sponsored evaluation activities including statewide efforts to evaluate First 5 efforts, whether it occurs during the term of this Agreement or after. CONTRACTOR shall participate in and cooperate with programmatic audit activities required by the COMMISSION.
- C. CONTRACTOR shall utilize evaluation questionnaires or such other tools as required by COMMISSION for purposes of evaluating CONTRACTOR'S services.

38. REPORTS

- A. CONTRACTOR shall, without additional compensation therefore, make fiscal, program evaluation, progress, and such other reports as may be reasonably required by COMMISSION concerning CONTRACTOR'S activities as they affect the contract duties and purposes herein. The COMMISSION shall explain procedures for reporting the required information.
- B. CONTRACTOR shall submit any required quarterly reports, including complete and accurate evaluation data by the 15th of the month following the end of the

quarter. COMMISSION may not make any payments under this Agreement until such reports have been submitted. If submission of any required reports is delayed over ninety (90) days beyond the end of the billing period, the invoice corresponding to the quarterly report may not be honored unless the CONTRACTOR obtained prior written approval of such late submission.

39. AUDIT AND RECORDS

- A. CONTRACTOR shall maintain separate accounting books and records for funding from First 5. Records shall be maintained in accordance with generally accepted accounting principles.
- B. CONTRACTOR shall maintain adequate client records that include diagnostic studies (when applicable), client intervention, program notes, records of services provided by professional and paraprofessional services in sufficient detail to permit evaluation of whether such services comply with all applicable federal, state, County, COMMISSION records maintenance requirements.
- C. For a period of four years following termination of the Agreement, CONTRACTOR shall make records available for copying upon COMMISSION'S request and at COMMISSION'S expense.
- D. Upon COMMISSION'S request, COMMISSION or its designee shall have the right at reasonable times and intervals to audit, at CONTRACTOR'S premises, CONTRACTOR'S financial and program records as COMMISSION deems necessary to determine CONTRACTOR'S compliance with legal and contractual requirements and the correctness of claims submitted by CONTRACTOR.
- E. At regular times during normal business hours, COMMISSION shall have the right to inspect or evaluate CONTRACTOR'S records that pertain to services performed and amounts payable under this Agreement. COMMISSION shall have the right to withhold any payment under this Agreement until CONTRACTOR has provided access to CONTRACTOR's financial and program records related to this Agreement.
- F. CONTRACTOR shall submit to the COMMISSION an annual financial and compliance audit conducted by an independent auditor. CONTRACTOR may use its organizational audit provided that the audit report shows First 5 revenues and expenses separately.
 - 1. CONTRACTOR shall obtain an Audit Engagement Letter from the audit firm selected and submit a copy of that letter to the COMMISSION within 2 months of fiscal year-end. In accordance with COMMISSION policy, the letter will include a statement saying that the final audit report will show the flow of First 5 revenue through the financials.
 - 2. The audit shall be conducted in accordance with generally accepted auditing standards, as promulgated by the American Institute of Certified Public Accountants and Generally Accepted Government Auditing

Standards issued by the General Accounting Office and the Comptroller General of the United States of America.”

3. The audit shall be submitted to the COMMISSION no later than 30 days after the CONTRACTOR’S organizational audit is completed, or no later than 6 months after fiscal year-end, whichever date is earlier. Should there be any delay, CONTRACTOR shall immediately inform COMMISSION staff and request an extension
4. COMMISSION shall not pay any invoices should an audit not be received within timeframes specified in this Agreement unless, prior to the expiration of this Agreement, the CONTRACTOR has obtained written approval from COMMISSION for any delay in submittal of an audit.
5. COMMISSION staff shall review the audit for completeness and findings and may submit the audit to the COMMISSION’S Auditor-Controller for technical review. COMMISSION shall be allowed access to all financial and program records as COMMISSION deems necessary to determine that funding was spent in compliance with applicable guidelines and this Agreement.
6. Should any material findings be noted in the audit report, CONTRACTOR must submit an action plan with the audit report detailing how the deficiency will be addressed. Findings shall be corrected within six months after the audit report. CONTRACTOR shall submit a report documenting corrections of identified audit deficiencies. If CONTRACTOR refuses or fails to cooperate or fails to submit an annual audit as required by this Agreement, COMMISSION may, in its sole discretion, withhold amounts payable under this Agreement until CONTRACTOR has complied with the requirements of this Section to the satisfaction of COMMISSION.
7. CONTRACTOR shall comply with First 5 California Commission audit requirements.
8. If the Agreement is terminated for any reason during the Agreement period, the independent audit shall cover the entire period of the Agreement for which services were provided and shall be submitted within six months of the end of the Agreement period.

40. PRIOR AGREEMENTS

This Agreement constitutes the entire contract between COMMISSION and CONTRACTOR regarding the subject matter of this Agreement. Any prior agreements, whether oral or written, between COMMISSION and CONTRACTOR regarding the subject matter of this Agreement are hereby terminated effective immediately upon full execution of this Agreement.

41. SEVERABILITY

If any term or condition of this Agreement or the application thereof to any person(s) or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect other terms, conditions, or applications which can be given effect without the invalid term, condition, or application; to this end the terms and conditions of this Agreement are declared severable.

42. FORCE MAJEURE

Neither CONTRACTOR nor COMMISSION shall be liable or responsible for delays or failures in performance resulting from events beyond the reasonable control of such party and without fault or negligence of such party. Such events shall include but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of government, fire, power failures, nuclear accidents, earthquakes, unusually severe weather, acts of terrorism, or other disasters, whether or not similar to the foregoing, and acts or omissions or failure to cooperate of the other party or third parties (except as otherwise specifically provided herein).

43. SURVIVAL OF TERMS

All services performed and deliverables provided pursuant to this Agreement are subject to all of the terms, conditions, price discounts and rates set forth herein, notwithstanding the expiration of the initial term of this Agreement or any extension thereof. Further, the terms, conditions and warranties contained in this Agreement that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Agreement shall so survive.

44. DUPLICATE COUNTERPARTS

This Agreement may be executed in duplicate counterparts. The Agreement shall be deemed executed when it has been signed by both parties.

45. AUTHORITY TO EXECUTE

Each person executing this agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement for or on behalf of the parties to this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized.

EXHIBIT A
to Agreement between the
FIRST 5 SACRAMENTO COMMISSION,
hereinafter referred to as "COMMISSION," and
RIVER DELTA UNIFIED SCHOOL DISTRICT,
hereinafter referred to as "CONTRACTOR"

SCOPE OF SERVICES

1. SERVICE LOCATION(S)

Lead Agency Name(s): River Delta Unified School District
Administrative Location
Street Address: 445 Montezuma
City and Zip Code: Rio Vista, CA 94571-1651

Site Location 1 *Bates Elementary School (B)*
Street Address: 180 Primasing Street
City and Zip Code: Courtland, CA 95615

Site Location 2 *Isleton Elementary School (I)*
Street Address: 412 Union Street
City and Zip Code: Isleton, CA 95641

Site Location 3 *Walnut Grove Elementary School (WG)*
Street Address: 14181 Grove Street
City and Zip Code: Walnut Grove, CA 95690

2. PROGRAM DESCRIPTION

CONTRACTOR is the River Delta Unified School District (RDUSD). CONTRACTOR shall use First 5 Sacramento funding to implement School Readiness (SR) services that are in alignment with best and promising practices and provide a comprehensive approach that includes the following components:

- Developmental Playgroups (0-3 year olds)
- Comprehensive Screening and Early Intervention
- Family / Caregiver Support and Engagement
- Transition Activities and Summer Camps
- Enhanced Preschool Supports (3-5 year olds)

Additional detail is specified under Section 14, Description of Minimum Services.

3. TARGET POPULATION AND SERVICES AREA

The SR program will serve families with children ages 0-5 living within the catchment areas of targeted elementary schools as noted in section 1 above. At minimum, the targeted sites will include those sites that participate in Raising Quality Together/Quality Counts California program quality improvement efforts. Services will target families that include children with Child Protective Services

involvement, disabilities/special needs, dual language learners, migrant families, poverty and other under-served populations. If space and funding allows, program elements other than preschool services may be provided to families with factors stated above who reside outside of the catchment areas.

Targeted service locations must achieve and maintain Quality Counts California overall ratings of 4 or above.

4. PROGRAM QUALITY REQUIREMENTS

- A. Provide First 5 funded services without fee to participating families. Maximize group size and teacher/adult to child ratios through compliance with Title 5 CSPP (California State Preschool Program) and Title 22 (Community Care Licensing) requirements (as applicable), and Raising Quality Together/Quality Counts California best practice guidelines.
- B. Use curriculum and activities that are developmentally appropriate, responsive to cultural and linguistic differences, and aligned with California's Learning Foundations and Frameworks. Programs will be tailored to meet the needs of each individual child/family, strengthen relationships, and fully engage families to promote optimal early learning and development.
- C. Be staffed by individuals who meet minimum qualification / quality standards as required by the California Department of Education (CDE) and are consistent with the statewide Quality Counts California.
- D. Lead classroom teachers, to include Developmental Playgroups, must have a teaching credential issued by the California Commission on Teacher Credentialing; **or**,
 - Meet Quality Counts California Matrix Element "Qualifications for Lead Teacher" at minimum 4 Points value; **or**,
 - If classroom teachers do not meet this requirement, the CONTRACTOR will ensure lead teachers receive professional development and submit an annual plan by each August 31 documenting efforts to meet this requirement.
- E. To align with best practices, CONTRACTOR must participate regularly in professional development to increase effectiveness in working with children age 0-5 (curriculum planning, early literacy and language, early math skills, social-emotional development, assessments and instructional planning, dual language learners, disabilities/special needs, and child/brain development). Assessments and data (Applied Survey Research (ASR), Desired Results Developmental Profile (DRDP), Ages & Stages Questionnaires and/or Ages & Stages Questionnaires: Social Emotional (ASQ and/or ASQ: SE), Classroom Assessment Scoring System (CLASS), Environmental Rating Scales (ERS), screenings, et al) will be used to inform and improve instruction.
- F. Have a plan in place for formal program evaluation that includes (1) assessment of child progress (i.e. DRDP, ASQ, et al), (2) formal classroom assessments using CLASS, and (3) environmental assessments using ERS). Assessments and data will be used to support teacher use of data to inform and improve instruction.
- G. Provide transition support among classroom activities and for children moving between programs (infant/toddler programs, preschool, and kindergarten).

- H. Provide nutritious meals and/or snacks using USDA Child & Adult Food Program Standards, participate in USDA Food Program, and provide on-going nutrition education for parents/families.
- I. Provide support designed to strengthen families and fully engage them in their child's early learning and development.
- J. Build strong relationships with private child care providers, kindergarten teachers, key school district personnel, and other partner agencies and have protocols in place for sharing child level information.
- K. Partner with other public and/or private programs to leverage resources, support a mixed delivery system, and advance the quality of early learning and child development programs in Sacramento County (Head Start, State Preschool, Licensed Child Care Providers, Institutions of Higher Learning, Social Services, Behavioral Health, Public Health, Foundations/Philanthropies, et al).

5. COMPLIANCE WITH COMMISSION STRATEGIC PLAN

- A. CONTRACTOR shall ensure that programs, services and projects funded by the COMMISSION reflect the following core components identified in the COMMISSION'S Strategic Plan:
 - Affordable and Accessible – children (0-5) have the opportunities and resources to grow up healthy and happy.
 - Culturally Competent – embrace diversity and respond in culturally appropriate ways.
 - Community-Driven – Community members have an opportunity to be actively involved in decision making and planning for their children’s lives.
 - Responsive to Special Needs – people with special needs will be accepted, treated with respect and dignity and have equal access to places, services and opportunities.
- B. CONTRACTOR shall ensure participation in cooperative and collaborative efforts sponsored by the COMMISSION, its Contractors and community partners.

6. SUBCONTRACTORS

The following collaborative partners shall be named as subcontractors and shall receive funding under this agreement. CONTRACTOR shall be required to develop a Memorandum of Understanding (MOU) with subcontractors that shall include total amount to be paid (detail of annual payments), term of contract as well as the specific activities/services that the subcontractor will provide: **NOT APPLICABLE - NONE**

If a subcontractor withdraws and services cannot be provided for any reason, CONTRACTOR shall be responsible to provide comparable services.

7. COLLABORATING PARTNERS

Collaborating partners may include but are not limited to:

- Sacramento County Office of Education (SCOE)
- Birth and Beyond Family Resource Centers
- Sacramento County Department of Health Services - Smile Keepers

- Center For Oral Health
- WIC (Women, Infants and Children)
- La Familia Counseling Center
- Migrant Education
- Catholic and Presbyterian Churches of Walnut Grove
- UC Davis Medical School Interns
- Covered California
- NCADD (National Council of Alcohol and Drug Dependency)
- Farm Bureau
- Courtland, YMCA
- SETA Head Start

8. EVALUATION PLAN AND ACTIVITIES

- A. CONTRACTOR shall be required to develop the Project's Evaluation Plan in conjunction with the COMMISSION'S evaluation consultant.
- B. Upon execution of the Agreement, CONTRACTOR shall participate in data collection tool training and input data relevant to the CONTRACTOR'S project into a data collection system as required by the COMMISSION. As required, CONTRACTOR shall collect and submit Client Level Data for participants in CONTRACTOR programs.
- C. CONTRACTOR shall utilize evaluation questionnaires or such other tools as required by COMMISSION for purposes of evaluating CONTRACTOR'S project funded by the COMMISSION.
- D. Results Based Accountability (RBA) is used in the evaluation of COMMISSION programs. Section 15 contains a detailed RBA for this program. The indicators are developed in conjunction with the CONTRACTOR and may be revised during the term of the Agreement.

9. ENHANCED RESOURCE AND REFERRAL

CONTRACTOR shall cross-train all frontline staff and outreach workers to assess needs and provide referrals targeted but not limited to child care, breastfeeding support services, dental care, medical home (insurance) and Help Me Grow (HMG) programs.

CONTRACTOR to track all referrals made by number and type and include this information in the Quarterly Program Narrative and Milestones Report submitted to COMMISSION.

10. ADVERSE CHILDHOOD EXPERIENCES

The COMMISSION recognizes the effect of Adverse Childhood Experiences (ACEs) on child outcomes, and the need to be responsive to ACEs at all levels of service provision. CONTRACTOR shall provide opportunities for all staff to attend COMMISSION sponsored Adverse Childhood Experiences (ACEs) training.

11. SUSTAINABILITY

COMMISSION faced with funding reductions in the 2018 and 2021 Strategic Plans and beyond, adopted a Systems Sustainability Plan with the goal of sustaining children's health, development and family empowerment outcomes and the systems that promote them. As a result, the COMMISSION is

emphasizing sustainability efforts of its funded partners. The goal of the COMMISSION is by the end of this 2018 three-year strategic plan period, CONTRACTOR will be able to absorb the anticipated 30% reduction and maintain the same level of services in the community. COMMISSION will provide direction and technical assistance to contractors to develop sustainability strategies.

B. CONTRACTOR participation in sustainability efforts shall include:

2. Dedicate a key agency contact to manage, facilitate the development and implementation of sustainability efforts.
3. Attend technical assistance meetings and participate in capacity building work for sustainability as required.
4. Submit sustainability reports as requested by COMMISSION.

B. CONTRACTOR minimum achievements shall include:

5. Develop a written sustainability plan in year one of the contract.
6. CONTRACTOR will provide in-kind staffing and/or program operation support costs specific to the services in the program. The total in-kind contribution must be at least 10% of the COMMISSION funds. These items will be specified in the budget and budget narrative, subject to COMMISSION staff approval.
7. Participate in COMMISSION sponsored technical assistance and trainings to achieve a “certified sustainable” status.

12. REPORTING REQUIREMENTS/MEETING REQUIREMENTS

As a minimum requirement, CONTRACTOR shall produce Quarterly Program Narrative and Milestone Reports, in a form prescribed by the COMMISSION, due on the last day of the month following the end of the reporting quarter.

CONTRACTOR shall submit reports related to data collection and evaluation in the form and frequency required by the Commission.

CONTRACTOR shall attend First 5 Sacramento Commission Quarterly Contractor Forum meetings and/or other meetings aimed at achieving the goals and objectives of CONTRACTOR’S project funded by the COMMISSION.

13. STAFFING REQUIREMENTS

CONTRACTOR shall be responsible for hiring and supervising staff in the classifications and numbers as identified in this Exhibit. CONTRACTOR shall inform COMMISSION when there are any vacant positions. CONTRACTOR shall, as soon as practicably possible, fill positions when there are vacancies or extended leaves of absence to maintain staff to client ratio.

A full-time equivalent (FTE) is defined as an employee who works 40 hours per week which equates to 1.0 FTE.

The program will be staffed as follows:

Position and FTE	Duties
Director, School Readiness 0.12 FTE	Will provide overall administrative support for the contract with First 5 Sacramento. The Director will serve as the liaison to First 5 Sacramento staff in areas of budget, program evaluation and monitoring, and administration. Additionally, the Director will

	supervise/support the RDUSD SR staff and act as a liaison between the District and the community. The Director will also administrate the implementation and management of the preschool.
SR Coordinator 1.0 FTE	Will be Bilingual/Bicultural Spanish speaking individual and will deliver the early childhood programs (playgroups for children 0-3 years old), parenting education and literacy workshops. Additionally, the SR Coordinator will aid in the coordination and delivery of all other aspects of the RDUSD SR program across all the result areas.
Secretary .88 FTE	Will translate and interpret when needed, input data into Persimmony database and staff the SR Family Resource Center, including, but not limited to, provide outreach to families at the SR Family Resource Center and will link families to SR activities such as the parenting education workshops, playgroup classes, coordinates the sign-up for classes, assists with health screenings and enrolling children into Summer Camp, provide support for early childhood programs and home visitor program.
Counselor/Family Outreach/Guest Speaker (hourly)	Counselor I will have a PPS (Pupil Personnel Services Credential), and an LPCC (Licensed Professional Clinical Counselor) or be working to obtain their LPCC, will provide parenting classes at Isleton and Bates School, provide play therapy and art therapy for children 0-5, focusing on teaching limit setting, anger management, social skills, trauma, and grief and loss, will be available for home visits for observations, family therapy for parents of 0-5 year olds, and will refer and work with outside agencies, including Child Access mental health team.
Home Visitor 1.0 FTE	Will ensure to provide support services for 0-3 year old children and prenatal support for the families of RDUSD. Home Visitor will ensure to provide families with necessary resources in order to best assist the family and/or child in need using research based curriculum. (Early Steps to School Success and Raising a Reader for 0-3 and Partners for Healthy Babies for prenatal.)
Summer Camp Teacher (3)	Will be the lead instructors at the Kindergarten Transition Summer Camp. The camp will be 4 weeks in length and the teachers will be paid for 1 prep day as well. The camp will operate at Walnut Grove campus, Isleton campus, and Bates campus. This item reflects a teacher salary of \$25/hour.
Summer Camp Assistant Teacher (3)	Will assist in the classroom while the Kindergarten Transition Summer Camps are in session. They will work with children under the direction of the lead teacher. This line item reflects the 4-hour workday for each aide at a rate of \$14.08/ hr.
School Nurse (hourly)	Will work to screen children ages 0-5 for general health, developmental milestones, hearing, and vision needs.
Translator (hourly)	Will provide translation services for events including, but not limited to

	comprehensive screenings, meetings, and Kinder Transition Camps.
Speech and Language Therapist (hourly)	Will work to screen children ages 0-5 for speech and language delays.
Custodial Services .10 FTE	Will provide custodial services for all site offices and classrooms used for the purpose of First 5 School Readiness programs.
Child Care (hourly)	This individual will provide child care services for the English Language Learning (ELL) program for adults held at Walnut Grove Elementary or other First 5 sponsored trainings or classes.

14. DESCRIPTION OF MINIMUM SERVICES

CONTRACTOR shall accomplish the following minimum services:

A. DEVELOPMENTAL PLAYGROUPS

Developmental Playgroups are available for children ages 0-3 and parent(s)/primary caregiver(s) living in the catchment area of targeted school sites listed in section 1. At minimum, playgroups will take place at 50% of the sites and/or alternate locations, and will:

- Ensure children are accompanied by at least one adult;
- Operate a minimum of two days per week for one to two hours per day throughout the school year;
- Located in sites that are easily accessible by families such as schools, churches, community centers, apartment complexes, etc.;
- Involve parents/primary caregivers and educate them about the importance of play in child development and the critical role families/caregivers play in supporting early learning and development and school success; and
- Include time for structured play with parent and child, free play with peers to allow social skill building, and opportunities for parents to socialize with each other.

1. Each year, CONTRACTOR to provide playgroups to 31 unduplicated children at the following sites:

Playgroup Location	Targeted Sites Served	Size of Group/Capacity	Annual Number of Children Served
Courtland	B	8	8
Isleton	I	8	8
Walnut Grove	WG	15	15

B. COMPREHENSIVE SCREENING AND EARLY INTERVENTION

First 5 funded SR programs ensure at minimum 65 children ages 0-5 receive developmental (including speech/language as needed) and/or health screenings (including vision, hearing and dental).

- Services may be provided to any child ages 0-5 and their families residing within the school district; however, priority will be given to children who reside at the targeted sites listed in section 1.
- Families are provided referrals, follow-up services and/or resources for any concerns identified in screenings/assessments.
- SR programs partner with outside agencies to provide screening and/or support services, as appropriate.

1. Each year CONTRACTOR to provide specific screenings as follows:

Screening Type	Screenings Directly Funded by First 5	Coordination and Follow-up Funded by First 5	Total Annual Number of Screenings
Developmental	65		65
Speech/Language	60		60
Hearing	50		50
Vision	50		50
Dental		50 (Center for Oral Health)	50
Total	225	50	275

- Provide 65 children ages 0-5 with developmental screenings using the Ages and Stages Questionnaire (ASQ and/or ASQ: SE) screening tool and refer children, as appropriate, to Help Me Grow for additional screenings and resources.

C. FAMILY / CAREGIVER SUPPORT AND ENGAGEMENT

CONTRACTOR provides information and support to families with children ages 0-5 and encourages parents (adult caregivers) to be involved in their child’s early learning and development. Family / Caregiver Support and Engagement includes, but is not limited to:

- General information about the school, programs/services, and parents’ rights and responsibilities (orientation meetings, handbook, newsletters, monthly calendar of events, et al);
- Participation in classroom activities to support children’s learning;
- Information about their child’s developmental growth and learning (parent-teacher conferences, DRDP, ASQ/ASQ: SE;

- d. Parent education workshops (language and literacy, parenting, positive discipline, physical health and well-being, nutrition, brain development, emotional/behavioral health, protective factors, et al);
- e. Resources to support early learning and development at home;
- f. Home Visiting / Case Management;
- g. Information about community resources (nutrition, health insurance, dental services, social services, libraries, parks and recreation, crisis intervention, et al);
- h. Opportunities for parents to provide input (DRDP parent survey) and participate in program planning and/or decision-making; and
- i. All information and resources provided to families should be developmentally, culturally and linguistically appropriate.

1. Each year CONTRACTOR to provide specific activities to an unduplicated 50 adult caregivers as follows:

Family / Caregiver Support and Engagement Activity	Targeted Sites Activity Will Occur	Frequency and Number of Sessions	Annual Number of Adult Caregivers Engaged
Family Literacy: Using Latino Family Literacy Program and or other evidence based programs.	B, I, WG	10 weekly 2-hr. sessions at ea. site per year	35 Adults
Raising A Reader: Research based Family Engagement and literacy program will be used with at least 50 adult caregivers receiving weekly filled book bags including multicultural and developmentally appropriate books in the pre-school and home visitor program. To include various parent trainings on sharing a book with a child.	I, WG	Weekly: Throughout the school year	50 Adults
Story Time: reading time for parents/caregivers and their little ones for sharing books. Bilingual (English/Spanish) provided as appropriate. Children are introduced to group participation, new books and stories, learning simple finger plays, movement, and songs that help build early literacy skills. After the story, families participate in a craft activity based on the story.	WG in year 1 WG and I, in year 2 and 3	1 X week for 35 weeks	30 Adults
Family Support/Strengthening Families: Home visitation to 20 adult caregivers using the Save the Children Early Steps to School Success and Raising a Reader for 0-3 year olds and 'Partners for Healthy Babies' for prenatal support or 'Parents as Teachers' curriculum or other evidence based program. Home visitation will occur throughout the school year. Program provides services to families with infants and toddlers up to age three, as well as prenatal support.	B, I, WG (primary)	Twice/month: August through the end of June	20 Adults

<p>Positive Parenting: Parenting classes will be provided throughout the year, using ‘Making Parenting a Pleasure’, ‘Kernels’ or other evidence based programs, including, but not limited to, ‘Parenting with Love and Logic, ‘Safe Sleeping’, Car Seat Classes, Nutrition and Health Classes through UC Davis Medical Interns, Parenting Training Models through CSEFEL, and ‘Project 2 Inspire’ Parent Leadership and Mentoring Program.</p> <p>‘Making Parenting a Pleasure’ is a 13 session program that encourages participants to take a closer look at their lives and the ways they relate to their children. It allows them to discover a broader range of positive and effective parenting and coping alternatives, and helps parents to develop a social support network with other parents. MPAP focuses on the important of parents and on their strengths and recognizes parents as the foundation and decision makers for their families.</p> <p>The Kernels Program is a 14 week parenting series designed with the goal of providing small, proven strategies for parents to influence their children’s behavior. Parents will develop the skills needed to instill family bonding, positive discipline, healthy communication and problem solving. Participants can discuss what they are learning, what works for their children, and ultimately they can begin to network with other parents who share similar situational struggles.</p>	<p>B, I, WG</p>	<p>13 or 14 week sessions - 3 programs per year (1 per site/rotating).</p>	<p>35 Adults</p>
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D. TRANSITION ACTIVITIES AND SUMMER CAMPS

First 5 funded SR programs provide transition support for children ages 0-5 as they move between classroom activities, and as they learn, grow and move into other developmentally and age appropriate programs: Infants and Toddlers/Home to Developmental Playgroups; Developmental Playgroups to Preschool; and Preschool to Transitional Kindergarten (TK) or Kindergarten.

- SR programs provide all children with ample time to engage in developmentally appropriate activities, minimize transitions, and provide a balance of active and quiet periods throughout the day. Transition activities familiarize children with routines and prepare them for the next activity.
- SR programs support children and families as they grow and transition between programs (developmental playgroups to preschool to kindergarten). Families have opportunities to participate in orientations, visit classrooms and meet staff prior to entering new programs.
- SR programs partner with private providers in targeted school communities to standardize transition activities and strengthen articulation/communication.
- SR programs will strengthen articulation, communication, and resource sharing between developmental playgroups, preschool and kindergarten to strengthen the early learning and developmental experience of children (prenatal to age 5 and their families). School districts will have protocols in place for sharing individual child level information, and provide adequate time for playgroup and preschool teachers to meet with one

another as well as with recipient teachers (preschool and TK/Kindergarten, respectively) prior to transition.

1. CONTRACTOR to provide specific activities as follows:

- a. Orientation sessions will be provided each year to 60 families enrolled in Developmental Playgroups (0-3), Preschool (3-5), and Kindergarten. Families will have an opportunity to visit classrooms, meet teachers, administrators and support staff, and learn about the school, program objectives, behavior and attendance expectations, and to become acquainted with other families (caregivers).

- a. Provide Transition Summer Camps to 62 unduplicated children per year. Camps will operate a minimum of 3-4 hours/day, for a minimum of 60 hours per session and will commence in June, July, or August of each year to prepare children and families for school entry in the fall. Priority for participation will be given to children without previous preschool experience who are entering Kindergarten.

Location of Transition Summer Camp	Targeted Sites Served	Frequency & Duration	Annual Number of Children Served
Courtland	B	4 hours/day for 4 days/week for 4 weeks Total of 64 hours	20
Isleton	I	4 hours/day for 4 days/week for 4 weeks Total of 64 hours	20
Walnut Grove	WG	4 hours/day for 4 days/week for 4 weeks Total of 64 hours	22

- 1. First 5 funded School Readiness schools/districts will participate in countywide and/or district level efforts to strengthen articulation, communication, and resource sharing at early childhood ages and grade levels to strengthen families and children (prenatal to age 5 years) early learning experience. These transition activities may be coordinated by SCOE, school districts, First 5 or other community based school readiness partners such as United Way of California.

E. ENHANCED PRESCHOOL SUPPORTS

Preschool programs are available for children ages 3-5 at targeted school sites listed in section 1. Programs operate 3 or more hours per day throughout the school year. Priority is given to children ages 4-5 without former preschool experience, and/or those with Child Protective Services involvement, disabilities/special needs and dual language learners.

To support high quality early learning, enhanced preschool support services may include:

- a. District staff: social worker, custodian, nurse, parent liaison, home visitor, resource teachers, academic coaches, mental health therapists, school psychologist, speech therapists, etc.
- b. Classroom materials and other supports: books, parent literacy materials, home visitation materials, playground equipment, furniture, classroom curriculum materials, screening and assessment materials, printing, food, consumables, etc.
- c. Professional development: training, travel, etc.
- d. Equipment, facility costs such as utilities.

2. CONTRACTOR to provide enhanced preschool services to 84 unduplicated children.

Site	Number of Classrooms	Funding Source HS = Head Start	Annual Number of Children
Isleton	1 class	F5 in year 1 and 2 State funded Pre- school in year 3	24
Walnut Grove	2 classes	HS	40
Courtland	1 class	YMCA	20

15. RESULTS BASED ACCOUNTABILITY

RESULT: INCREASE CHILDREN'S, FAMILIES', AND SCHOOLS' READINESS FOR KINDERGARTEN					
FIRST 5 PROGRAM RESULT INDICATORS	STRATEGY	RBA CATEGORY	METRIC	DATA SOURCE	
<ul style="list-style-type: none"> - Percent of children ages 3-5 enrolled in preschool - Percent of families who read at home at least five days per week - Percent of students identified for Special Education prior to age 6 - Percent of parents who feel connected and supported 	- Playgroup	- How much?	<ul style="list-style-type: none"> - # served - Children (ages 0-3) - Parent/Caregiver 	- Persimmony Service Data	
		- How well?	<ul style="list-style-type: none"> - Attendance - Average # of sessions attended per child - % who attended more than one session - % who attended more than ten sessions 		
		- Better off?	<ul style="list-style-type: none"> - % of parents connected to their community - I know what to expect at each state of my child's development - I know what program to contact in my community when I need help for basic needs (e.g., housing, food, employment). 		- Family Information Form
				- Parent Satisfaction Survey Results	- Parent Satisfaction Survey
		- Enhanced Preschool(EP)	- How much?	<ul style="list-style-type: none"> - # of sites with EP - # of classrooms with EP - # of children in classrooms with EP 	- Persimmony Service Data
			- How well?	- Does not apply	
	- Better off?		- QRIS scores of EP sites vs non EP sites	- Sacramento County QRIS scores	
	- Screening/ Referrals	- How much?	# of children screened by School Districts	- Persimmony Service Data	

RESULT: INCREASE CHILDREN'S, FAMILIES', AND SCHOOLS' READINESS FOR KINDERGARTEN				
FIRST 5 PROGRAM RESULT INDICATORS	STRATEGY	RBA CATEGORY	METRIC	DATA SOURCE
			<ul style="list-style-type: none"> - Developmental Screening - ASQ - Developmental Screening - ASQ-SE - Hearing Screening - Speech/Language Screening - Vision Screening 	
			Age at Screening	
			<ul style="list-style-type: none"> - % screened who were ages 0-3 - % screened who were ages 4-5 	
			Developmental Screening – ASQ and ASQ – SE	
			<ul style="list-style-type: none"> - # / % of children with below cut-off- flagged - # / % of children with close to or at cutoff - #/ % of children with at-above cutoff 	
		- How well?	# / % of children below cutoff (in need) who were referred to services	
			<ul style="list-style-type: none"> - Developmental - ASQ - Developmental - ASQ-SE - Hearing Referral - Speech/Language Referral - Vision Referral 	
		- Better off?	% of children referred to services who accessed those services (Help Me Grow)	
	- Family Engagement	- How much?	# of unduplicated adults served, by service	- Persimmony Service Data
			<ul style="list-style-type: none"> - Family Literacy - Parent Education 	
			Average # of hours per person, by service	
			<ul style="list-style-type: none"> - Family Literacy - Parent Education 	
		- How well?	Number who attend multiple workshops	
		- Better off?	Reading frequency	

RESULT: INCREASE CHILDREN'S, FAMILIES', AND SCHOOLS' READINESS FOR KINDERGARTEN

FIRST 5 PROGRAM RESULT INDICATORS	STRATEGY	RBA CATEGORY	METRIC	DATA SOURCE
			<ul style="list-style-type: none"> - % of parents reading at least five times per week <li style="background-color: #f2f2f2;">- % of parents who are connected and supported - I am confident in my ability to help my child grow and develop. - I know what program to contact in my community when I need help for basic needs (e.g. housing, food, employment). - I know what program to contact in my community when I need advice on how to raise my child. 	- Family Information Form
	- Transitional Activities	- How much?	<ul style="list-style-type: none"> - # of parents served - # of children served 	- Persimmony Service Data
		- How well?	<ul style="list-style-type: none"> - % of parents who participated in transition orientation - % of children who completed at least 56 hours 	
		- Better off?	- Increase kindergarten academic readiness	- Kinder Readiness Assessment

**EXHIBIT B to Agreement
between the
FIRST 5 SACRAMENTO COMMISSION
hereinafter referred to as "COMMISSION," and
RIVER DELTA UNIFIED SCHOOL DISTRICT,
hereinafter referred to as "CONTRACTOR"**

BUDGET REQUIREMENTS

1. MAXIMUM PAYMENT TO CONTRACTOR

- A. The Maximum Total Payment Amount under this Agreement is: **\$867,081**
- B. The Maximum Total Payment Amount shall be paid out on a reimbursement basis. Contractor shall submit invoices on a quarterly basis, by the 15th of the following month, for expenses incurred in the prior quarter.
- C. Funds received from the COMMISSION shall be used for to provide services identified in Exhibit A, Scope of Services, of this Agreement. Annual budgets must be reviewed and signed by CONTRACTOR'S Fiscal Officer and approved by COMMISSION staff prior to any payments being issued for this Agreement.
- D. Expenditures shall not exceed the specified amounts identified in the annual budget; to the extent that costs exceed those amounts, they are the responsibility of the CONTRACTOR. If CONTRACTOR fails to use the funding as specified, CONTRACTOR shall be required to return/reimburse the COMMISSION for the amount of the Maximum Total Payment Amount under this Agreement.

2. BUDGET REVISIONS

- A. Revisions to approved fiscal year budgets may be made in accordance with the COMMISSION'S budget revision policy.
- B. Invoice payments may not be made unless accompanied by the required budget revision form. Invoices may not be honored if the budget revision is submitted over ninety (90) days after the end of the billing cycle.
- C. Adjusted budgets may be submitted by June 15 for the following fiscal year provided that there is no change in the total amount of the budget or the scope of service. If the adjusted budget is not received by June 15, the budget initially submitted with the contract shall govern.
- D. In the final year of the contract, budget revisions received after June 15 will not be honored and may result in the non-payment of any line item amounts that exceed the budget limits.

3. ROLL OVER OF UNEXPENDED FUNDS

The COMMISSION'S roll over policy does not permit roll over of unexpended funds except under a very limited set of circumstances:

- To fund capital projects/assets that were budgeted in one contract year, and because of unforeseen delays in the project, will be purchased in the following contract year.
- To fund encumbrances not invoiced by the end of the fiscal year.

CONTRACTOR may request roll over under these limited circumstances and in accordance with COMMISSION'S fiscal policies. Requests for roll over must be made prior to the expenditure of the funds and prior to the expiration of the agreement.

4. BASIS FOR ADVANCE PAYMENT

- A. This Agreement allows for advance payment when CONTRACTOR submits a request in writing and request is approved by the COMMISSION'S Director.
- B. If COMMISSION finds that CONTRACTOR requires advance payment in order to perform the service required under this Agreement, Director may authorize a one-time or annual advance in an amount not to exceed 20% of the first twelve (12) months budgeted invoice amounts or the budgeted annual invoice amount, as applicable. All advanced funds shall be offset in equal installments against request for reimbursement claims (invoices) submitted during the first twelve (12) months following the effective date of the Agreement or the term of the Agreement, whichever is less.

6. PURCHASE OF FIXED ASSETS

Fixed assets are defined as those tangible assets of significant value having a utility which extends beyond the contract term that are broadly classified as land, buildings and improvements, and equipment. Significant value is defined as a cost of \$5,000.00 or more.

COMMISSION funds used for the purchase of the following fixed asset(s) shall be of beneficial public service to the target population of children 0-5 years of age and their families:

Description of fixed assets: NONE

Funding for the purchase of fixed asset(s) described above is structured as a no-interest forgivable loan and subject to the following terms.

- A. The term of the forgivable loan will be 0 years beginning on the execution of this agreement.
- B. 10% of the loan amount will be forgiven each year on the anniversary of the agreement provided that the funded program remains in business, and continues the operation of the program for which the asset was purchased.

- C. Fixed asset shall be used for the purposes described in the agreement, or upon approval of the Commission, for another use that served and/or benefited the target population.
- D. In the event the Contractor, or its successor in interest, prior to the loan being forgiven in full, violates the provisions of this agreement, including significantly reducing or ceasing the operation of the program for which the asset was purchased, then the Contractor shall be required to:
 - 1. Repay the remaining un-forgiven portion of the loan, and;
 - 2. Pay interest on the remaining un-forgiven portion of the loan at a yearly rate of 6%, compounded daily, calculated from the effective date of the contract. The repayment and the interest shall be due within 30 days following Contractor's cessation of the program or the date that the Commission has notified the Contractor in accordance with the provisions of the agreement, whichever is earlier.

Legal Name of Organization/Individual:

River Delta Unified School District

Address:

Walnut Grove School First 5 School Readiness

14181 Grove St.

Walnut Grove, CA 95690

PROGRAM CONTACT - Name and Title

Carrie Norris

Telephone Number (w/area code):

916-776-1844

Email Address:

cnorris@rdusd.org

FISCAL CONTACT - Name and Title

Sharon Silva

Telephone Number (w/area code):

707-374-1705

Email Address:

ssilva@rdusd.org

Contract Number:

(leave blank)

Overall Award: \$ 867,081.00

		Recommended Allocation	Optional Allocation
18/19	Year 1	\$ 289,027.00	\$ 283,246.46
19/20	Year 2	\$ 289,027.00	\$ 289,027.00
20/21	Year 3	\$ 289,027.00	\$ 294,807.54
Total		\$ 867,081.00	\$ 867,081.00

Enter an "x" in box to left to select the optional method, otherwise it will default to the Recommended Allocation.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

FIRST 5 SACRAMENTO COMMISSION

RIVER DELTA UNIFIED SCHOOL DISTRICT


By: _____
JULIE GALLELO
Executive Director

By: _____
DON BENO
Superintendent

Date: _____

Date: _____

Contract and Contractor Tax Status Reviewed and Approved by County Counsel:

By: _____

Rick Heyer
Deputy County Counsel

Date: 01/26/18

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



BOARD AGENDA BRIEFING

Meeting Date: May 9, 2018

Attachments: ___x___

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: _16._

SUBJECT

Increase in paid meal price starting FY 2018-19.

Action: ___x___

Consent Action: _____

Information Only: _____

Background:

Each year the District is required to use the United States Department of Agriculture (USDA) Price Adjustment Calculator to ensure the district is charging enough for paid lunches. This is to ensure equity amongst students for meals being charged. The Price Adjustment Calculator determines if the district needs to increase prices and if so, by how much.

When completing the calculation for this year, the district is required to increase paid lunch prices in FY 2018-19 by \$.10 (cents). Paid lunch prices are currently \$2.75 for students and \$3.25 for adults. The price for lunches starting with FY 2018-19 will be \$2.85 for students and \$3.35 for Adults.

Paid breakfast prices are currently \$1.50 for students and \$2.00 for adults. Each will be increased by \$.25 (cents) starting in 2018-19, bringing the new totals to \$1.75 and \$2.25, respectively. Breakfast prices have not been increased in several years thus the greater increase, which is primarily to offset production costs.

Status: The district is required to increase meal prices to remain compliant with USDA regulations and not jeopardize the Districts Cafeteria funding.

Presenter: Elizabeth Keema-Aston, Chief Business Officer

Other People Who Might Be Present: N/A

Cost &/or Funding Sources N/A

Recommendation:

That the Board approve the proposed rate increase for meal prices.

Time: ___5 mins. ___

SFA NAME:

River Delta USD

SY 2017-18 Price Adjustment Calculator

[Go to Instructions](#)

SY 2017-18 Weighted Average Price Requirement

Requirement price to the nearest cent	Optional price requirement ROUNDED DOWN to nearest 5 cent
\$ 2.86	\$ 2.85

Note: Above prices are based on adjusting SY 2016-2017 price requirement by the 2% rate increase plus the Consumer Price Index (2.64%)

SY 2016-17 Weighted Average Price Calculator

Enter the paid prices and number of paid lunches sold at each price for **October 2016**.

	Monthly # of Paid Lunches	Paid Lunch Price	Monthly Revenue	SY 2016-17 Weighted Average Price
1.	2,863	\$ 2.75	\$ 7,873.25	
2.			\$ -	
3.			\$ -	
4.			\$ -	
5.			\$ -	
6.			\$ -	
7.			\$ -	
8.			\$ -	
9.			\$ -	
10.			\$ -	
TOTAL	2,863		\$ 7,873.25	\$ 2.75

Note: SY 2016-17 Weighted Average Price equal to or above \$2.86 are compliant for SY 2017-18. \$2.86 is the difference between the Free and Paid reimbursement rates for SY 2016-17.

Total Price Increase for SY 2017-18

\$ 0.10

Required price increase for SY 2017-18 (with 10 cent cap)

\$ 2.85

Remaining increase carried forward to SY 2018-19

\$ -

Remaining credit carried forward to SY 2018-19

\$ -

[Go to SY2017-2018 Report](#)

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

BOARD AGENDA BRIEFING

Meeting Date: May 1, 2018

Attachments: _____

From: Kathy Wright, RDUSD Educational Services

Item #: ___17.____

SUBJECT

After School Program Site Coordinator Pay Increase

Action: ___X___
Consent Action: _____
Information Only: _____

Background & Status:

After School Program Site Coordinators who are currently employed on the date of Board approval will receive a \$1.00/hr increase to their salary. The payment will be retroactive to August 9th, 2017 or their first day of work if after August 9, 2018. The employees in the After School Program are not part of a bargaining unit, whoever we have informed CSEA as a curtesy.

Presenter: Kathy Wright

Cost &/or Funding Sources (be specific):

\$3,863 increase funded from the After School Education & Safety Program Grant

Recommendation:

Approve the pay increase for the After School Program Site Coordinators.

Time: 2 mins.

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

BOARD AGENDA BRIEFING

Meeting Date: May 8, 2018 Attachments: ___X___

From: Elizabeth Keema-Aston, Chief Business Officer Item Number: _18_

SUBJECT Action: _____
Approve agreement with Nicolay Consulting Group to Consent Action: ___X___
conduct an Actuarial Valuation of Post-Retirement Information Only: _____
Benefits (GASB 75) for Fiscal year 2017-18 and Fiscal
year 2018-19 at a cost of \$3,500 and \$7,500 respectively.

Background:
In 2017, the Government Accounting Standards Board (GASB) issued Statement #75, Employer Accounting and Reporting for Post-Employment Benefits Other Than Pensions, which requires public agencies, including school districts, to report their costs and obligations for post-employment healthcare and other post-employment benefits much like they now report under GASB 45. The philosophy behind the rule is that the costs of these post-employment benefits should be recognized as a current cost during the working years of an employee rather than after they retire.

As with GASB 45, the now GASB 75 requires actuarial reports to be updated every two years to capture changes in reporting requirements and significant changes that may have occurred within the district.

GASB 75 is effective in Fiscal Year 2017-18 requiring an actuarial report. Nicolay consulting performed a full actuarial report in Fiscal Year 2016-17. They will perform an interim report this year to meet our GASB 75 requirements followed by another full valuation for Fiscal Year 2018-19 which can be used for the Actuarially Determined Contribution for postemployment health benefits.

Status:
Nicolay Consulting Group will conduct Actuarial Valuation of Post Retirement Benefits for the district to satisfy the GASB 75 requirements.

Presenter: Elizabeth Keema-Aston, Chief Business Officer

Other People Who Might Be Present:

Cost &/or Funding Sources

\$3,500 for FY 2017-18 and \$7,500 for FY 2018-19 to be paid from General Fund, Unrestricted dollars.

Recommendation:

That the Board approves the multi-year contract with Nicolay Consulting Group.

Time: ___5 mins. ___

May 2, 2018

PENSION CONSULTANTS AND ACTUARIES
530 BUSH STREET, SUITE 500
SAN FRANCISCO, CALIFORNIA 94108-3633
TEL: 415-512-5300
FAX: 415-512-5314

Ms. Sharon Silva
Director of Accounting
River Delta Unified School District
445 Montezuma Street
Rio Vista, CA 94571

Re: River Delta Unified School District Engagement Letter for Actuarial Services

Dear Ms. Silva:

The Nicolay Consulting Group (NCG) is pleased to propose GASB 75 actuarial services to the River Delta Unified School District (the "District") for its Other Post-Employment Benefits plan.

NCG intends to deliver a GASB 75 Accounting Valuation Report and will review the Financial Disclosure Statements for FYE June 30, 2018.

Due to GASB 75, valuations are now required to be performed annually. However, a "full valuation" (a valuation where new census is collected) only needs to be performed once every two fiscal years. Therefore, NCG will collect census data for the District's OPEB plan as of 6/30/2017. NCG will then produce a GASB 75 full valuation report as of 6/30/2017 covering FY2017-18. Included in this report is:

- An executive summary comparing the current and prior valuation results
- An easy-to-understand narrative describing the sources of changes in cost
- A breakdown of the implicit subsidy mandated by ASOP 6
- OPEB Expense/(Income) for measurement period ended June 30, 2018
- Deferred Outflows and Deferred Inflows
- Schedule of Required Supplementary Information

NCG will also produce notes to the basic financial statements for the District. The notes to the basic financial statements will include the following:

Notes to Basic Financial Statements:

- General information about the OPEB Plan
- OPEB Liabilities
- OPEB Expense
- Deferred Outflows/Inflows of Resources Related to OPEB
- Actuarial Methods and assumptions used to determine Total OPEB Liability
- Analysis and methods of the discount rate used in determining Total OPEB Liability

Fees for the OPEB valuation are listed as follows:

	<u>GASB 75 FY 2017-18</u>	<u>GASB 75 FY 2018-19</u>
A. Deliverable:	GASB 75 Accounting Full Report	GASB 75 Accounting Full Report
Estimated Delivery:	~May/June 2018	~February 2019
Fee:	\$3,500	\$6,000
B. Deliverable:	<u>Funding as of July 1, 2017</u> ADC Exhibit showing projected GASB 45 ARC for Plan Year 2017/18	<u>Funding as of July 1, 2018</u> Funding Valuation for Plan Year 2018/19
Estimated Delivery:	~ Late May 2018	~September 2018
Fee:	<u>n/a</u>	\$1,500
Total:	\$3,500	\$7,500

Our fees for services include unlimited and highly responsive communications between the District and NCG as well as a teleconference or in-person meeting with the broader constituents of the District.

Respectfully submitted,
NICOLAY CONSULTING GROUP



Gary E. Cline, ASA, MAAA, FCA, EA
Vice President & Chief Operating Officer

River Delta Unified School District

Proposed Scope/Timing/Fees for River Delta USD

Assumptions for this Proposal

Employer Fiscal Year End	June 30, 2018	June 30, 2019
Plan Trust Fiscal Year End	June 30, 2017	June 30, 2018
Measurement Date	June 30, 2017	June 30, 2018
Valuation Date	June 30, 2016	June 30, 2018

Scope

We will prepare the following reports and presentations relating to the Retiree Medical Plans:

1. FY2017-18 GASB 75 report
2. PY2017-18 Funding report
3. FY2018-19 GASB 75 report
4. Assistance with funding method review and year-end financial disclosures

The Funding and GASB 75 reports will be similar to our GASB 45 report. They will include:

- An executive summary comparing the 6/30/16 and 6/30/17 liabilities and assets
- A gap analysis identifying the causes in the change in liability between the two valuation dates
- New GASB 75 required supplementary information

FY2017-18 Timeline (Interim Valuation)

- **May 2018** The District confirms participant counts as of 6/30/17 and other information requested
- **4-6 weeks** after receipt of data NCG finalizes GASB 75 report based on audited assets as of 6/30/17
- **6/30/18** The District/Auditor/NCG identifies post-measurement date significant events and contributions for purposes of completing financial statement disclosures

FY2018-19 Timeline (Full Valuation)

- **6/30/18** The District sends information requested to complete valuation (see Data Request) including a census as of 6/30/18
- **4-6 weeks** after receipt of all the information for FYE 2019 NCG completes GASB 75 valuation report (and optional funding report) based on 6/30/18 audited (or unaudited) asset data
- **6/30/19** The District/Auditor/NCG identifies post-measurement date significant events and contributions for purposes of completing financial statement disclosures

Interim Valuation as of 6/30/17 for FYE 6/30/18

We will perform an “interim” valuation at the 6/30/17 measurement date. We consider it an interim valuation because we intend to base it on a roll-forward of the 6/30/16 full valuation results. We generally will not adjust it for immaterial changes in assumptions, census data, and plan provisions. We generally would adjust the valuation only for changes in the assets, the discount rate, and the trend rate.

River Delta Unified School District
GASB 45/75 Transition Plan (GASB 74 completed by CSBA)
May 2, 2018

Full Valuation as of 6/30/18 for FYE 6/30/19

A full valuation (with 6/30/18 census data) will be performed for the 6/30/18 measurement date (to be used for FYE 6/30/19 disclosures and determining the Actuarially Determined Contribution for Plan Years 2018-19 and 2019-20). We consider it a full valuation because it involves updating census data along with assets, assumptions, and plan provisions.

The next full valuation would be 2 years later at 6/30/20 for the District's FY2020-21 financial statement and determining the Actuarially Determined Contributions for Plan Years 2020-21 and 2021-22.

Optional 6/30/18 Funding Valuation: Since GASB 75 is not a funding method, a separate valuation and actuarial report is required to develop the Actuarially Determined Contribution (ADC). This work is "optional" because there is no requirement mandating the calculations. However, the large majority of Plan sponsors will have these valuations performed as they drive cash flow for the Plan.

We intend to continue to use the ARC methodology of GASB 45 for purposes of determining the ADC. This would have the advantage of consistency with past practice as well as GASB 75 actuarial liability calculation methodology. We will provide consulting regarding alternatives to this methodology. If the District develops an ADC, GASB 75 requires its disclosure in the GASB 75 footnotes.

Fees for Two (2) Fiscal Years

Deliverable	FYE 6/30/18	FYE 6/30/19
6/30/17 Interim Valuation and GASB 75 Report	\$3,500	n/a
6/30/18 Full Valuation and Funding Report	n/a	\$1,500
6/30/19 Full Valuation and GASB 75 Report	n/a	6,000
Assistance Funding Methodology Review	Included	Included
Assistance with Year-End Disclosures	<u>Included</u>	<u>Included</u>
Total Fee	\$3,500	\$7,500

Our fees include unlimited consulting and assistance via phone or email related to the valuation results. We base our fees for in-person meetings on our billing rates and length of meeting, but are usually around \$700 per meeting.

The fee for the interim valuation includes any update to the liabilities required due to changes in assumptions requiring minimal labor, such as a change in the discount rate and/or trend rate. An additional fee may result due to more significant assumptions changes, census data changes, and/or plan provision changes. The scope, fees, and timing discussed above is subject to change based on additional regulatory guidance.