

# 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:

### Important Notice

Please note:

## October 13, 2020 – General Open Session 6:30 pm

River Delta Unified School District Board meeting will be held as a teleconference (Webinar) at the River Delta USD District Office and will be closed to the public. Please see River Delta USD Meeting Logistics section below for options to view and participate in the meeting.

### River Delta USD Board Meeting Logistics Meeting will be held remotely.

The RDUSD uses a Zoom Webinar application for its meetings. To join the meeting, Zoom, not River Delta USD, requires attendees to register with a name and email address. The email address does not need to be authenticated and the name does not need to be the attendee's legal name. Initials, "Supportive Staff", "Caring Citizen", etc. are all acceptable entries. The same requirements are used to address the Board. See the Public Comment section to address the Board or comment on the Agenda or non-agendized items. If your comment exceeds the time limit, it will be summarized.

<https://rdusd-org.zoom.us/j/94911927286?pwd=ZnBBendTcC9leEhrR0dUNkl5YXRlUT09>

*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: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_\_; Member Riley \_\_\_; Member Casillas \_\_\_; Member Stone \_\_\_; Member Mahoney \_\_\_; Member Elliott (Resigned); Member Fernandez (Resigned) Time: \_\_\_\_\_

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

Member Olson \_\_\_; Member Riley \_\_\_; Member Casillas \_\_\_; Member Stone \_\_\_; Member Mahoney \_\_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

- 5.2 Pledge of Allegiance

6. Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1) – Board President Olson

7. Review and Approve the **Open Session** Agenda

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_\_; Member Riley \_\_\_; Member Casillas \_\_\_; Member Stone \_\_\_; Member Mahoney \_\_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

8. **Public Comment:** As the result of the Coronavirus Pandemic (COVID-19), on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20. This order includes directives canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment. The health and well-being of our students, staff and community members are the top priority for the Board of Trustee of River Delta Unified School District. To facilitate this process, the meeting of the Board of Trustees will be available via a Zoom Webinar.

We have modified the meeting procedures while the Shelter in Place for Coronavirus Pandemic (COVID 19) is in place.

To address the Board during Public Comment or on any item listed on the Agenda, please follow these instructions:

- 1) Using the link “Public Comment Card”, complete the Google form and submit. The form must be submitted prior to Open Session. Once filled out and submitted, your comments will be read during agenda item 8: Public Comment.

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 Superintendent Wright’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 Budget – Sharon Silva, Chief Business Officer; Ken Gaston, Director of MOT

9.2.1 Monthly Financial Report – Sharon Silva, Chief Business Officer

9.2.2 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT

9.3 Education Services’ and Special Education Reports and/or Presentation(s) - Nicole Latimer, Chief Educational Services Officer and Tom Anderson, Director of Special Education

9.3.1 Educational Services Update – Nicole Latimer, Chief Educational Services Officer

9.3.2 Williams’ Settlement Public Notification regarding sufficiency of teachers, facilities, and textbook and instructional materials – Third Quarter (July - September) – Nicole Latimer, Chief Educational Services Officer

9.3.3 Special Education Update – Tom Anderson, Director of Special Education

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 – September 8, 2020

Special Meeting of the Board – September 28, 2020

10.2 Receive and Approve Monthly Personnel Reports - As of October 13, 2020

10.3 District’s Monthly Expenditure Report  
September 2020

10.4 Request to approve the emergency purchase of a 45’ Articulating Boom, at a cost of \$22,890.07 – Ken Gaston, Director of Maintenance, Operations and Transportation

10.5 Request to approve the purchase of the Barracuda hardware and the 60-month subscription of Barracuda Essential Security Service at a cost of \$35,110.66 – Sharon Silva, Chief Business Officer

10.6 Request to approve the contract with Document Tracking Services for the 2020-2021 school year at a cost not to exceed \$4,650 – Educational Services Funds – Nicole Latimer, Chief Educational Services Officer

10.7 Request to approve the Independent Contract for Services Agreement with Maxim Staffing Solutions to provide nursing services, guidance and assistance for implementing the practices and procedures in the RDUSD Health and Safety Plan for the 2020-2021 school year at a cost

not to exceed \$25,000 – Coronavirus Aid, Relief and Economic Security (CARES) Act Funds – Tom Anderson, Director of Special Education

10.8 Donations to Receive and Acknowledge:

**Assessment and Counseling Center at D.H White Elementary School**

Mr. and Mrs. Conklin - \$6,000

**Rio Vista High School – Class of 1970 donations towards the Gymnasium Scoreboard**

Karen Maxwell

Blaine and Sylvia Hutson

Kathleen Korth

Emmett and Elizabeth Morrell

Michael and Cathy Palumbo

Michael and Jane Grassel

L. Del Chiaro

David and Logan Santos

Delfina McMillan

Joanna Fonseca Haston

**Riverview Middle School**

Beth Brockhouse - \$153.84

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

Action Items -- Individual speakers shall be allowed two minutes to address the Board on any agenda item. The Board may limit the total time for public input on each agenda item to 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. Procedures for Public comment will follow the same process as in number 8.

11. Request to approve the second and final reading of the updated or new Board Policies, Administrative Regulations or Exhibits due to new legislation or mandated language and citation revisions as of July 2020 – Katherine Wright, Superintendent

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

12. Request the Board to conduct interviews, and if appropriate, take action to appoint a qualified candidate for vacancies in Trustee Areas V, VI and VII. Request direction from the Board on next steps to fill any vacant positions after the October 13, 2020 meeting.  
– Katherine Wright, Superintendent

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

13. Request to approve the River Delta Unified School District’s Hybrid Learning Plan for 2020-2021 – Katherine Wright, Superintendent

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

14. Request to approve the 2020-2021 California State Preschool Contract to continue the River Delta Unified School District State Preschool at Isleton Elementary – Stacy Wallace, Principal of Isleton Elementary School and Director of CA State Preschool in Isleton

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

- 15. Re-Adjourn to continue Closed Session, if needed
- 16. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Olson
- 17. Adjournment

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Stone \_\_; Member Mahoney \_\_; Member Elliott (Resigned); Member Fernandez (Resigned)

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

**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. The full agenda is also available online at <http://riverdelta.org>.**

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

**AFFIDAVIT OF NOTICING AND POSTING:**

I, Jennifer Gaston, Executive Assistant to the Board of Trustees, declare that a copy of this Regular Meeting Agenda/Notice was posted in the bulletin board in front of the District Office, District administrative offices and that the Board of Trustees Members, school sites, and the community libraries were provided notice or caused to be provided notice via fax, e-mail and/or hand delivery on Friday, October 9, 2020, by or before 5:30 p.m.

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

**ATTACHMENT**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
Notice of a Regular Meeting of the Board of Trustees

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

**October 13, 2020**

**CLOSED SESSION**

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

A Closed Session will be held beginning at 5:35 p.m. on October 13, 2020, via teleconference (which is prior to the full General 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)] – None

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

Following Conference with Legal Counsel (Parker & Covert, LLC; Girard, Edwards, Stevens & Tucker LLP; Burke, Williams & Sorensen, 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 (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 RDUTA

4.3.5.2 CSEA

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

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

jg

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Sharon Silva, Chief Business Officer

Item Number: 9.2.1

Type of item: (Action, Consent Action or Information Only): Information Only

**SUBJECT:**

Monthly Financial Report

**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:**

Sharon Silva, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES: NOT APPLICABLE**

**RECOMMENDATION:**

That the Board receives the Monthly Financial report as submitted

Time allocated: 1 minutes

**River Delta Unified School District**  
 2020-21 Working Budget vs. Actuals Report  
 September 30, 2020

Working Budget						Actuals thru: 9/30/2020					
	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)		
<b>General Fund: (01)</b>											
Unrestricted	5,686,849	17,074,859	17,166,101	5,595,607	2,434,536	-	2,806,298	16.44%	3,421,298	19.93%	
Restricted	917,998	9,421,937	7,417,677	2,922,258	2,296,051		2,296,051	24.37%	1,112,510	15.00%	
Combined	6,604,847	26,496,796	24,583,778	8,517,865	4,730,587	-	5,102,349	19.26%	4,533,808	18.44%	
<b>2019-20 TRAN's \$500,000</b>											
<b>Other Funds</b>											
Adult Ed. ( 11 )	44,746	88,967	88,767	44,946	31,685		31,685	35.61%	10,533	11.87%	
Child Development ( 12 )	-	292,134	292,134	-	3,933		3,933	1.35%	49,637	16.99%	
Cafeteria ( 13 )	37,790	1,005,750	1,014,145	29,395	(51)		(51)	-0.01%	69,310	6.83%	
Sp. Res-Other than Cap. Outlay ( 17 )	40,292	700	-	40,992	-		-	0.00%	-	0.00%	
Bond Fund ( 21 )	52,581	36,356	-	88,937	6,714		6,714	18.47%	-	0.00%	
Bond Fund- SFID #1 South ( 22 )	-	3	-	3	3		3	0.00%	-	0.00%	
Bond Fund - SFID #2 North ( 23 )	-	6	-	6	6		6	0.00%	-	0.00%	
Developer Fees ( 25 )	927,402	298,371	305,871	919,902	-		-	0.00%	280,592	91.74%	
County School Facilities ( 35 )	3,366	30	-	3,396	-		-	0.00%	-	0.00%	
Capital Projects ( 49 )	115,612	120,002	6,100	229,514	-		-	0.00%	2,717	44.53%	

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments:   X  

From: Ken Gaston, Director of MOT

Item Number:   9.2.2  

Type of item: (Action, Consent Action or Information Only):   Information Only  

**SUBJECT:**

Monthly MOT Information Report

**BACKGROUND:**

To provide a monthly update on the activities of the Maintenance, Operations & Transportation Departments. The only projects included in this report are those over \$100.

**STATUS:**

See attached monthly report for the period of September 2020

**PRESENTER:**

Ken Gaston, Director of MOT

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board receives this information

Time allocated: 5 minutes



**Maintenance, Operations & Transportation**  
**Monthly Report for Board Meeting**  
**October 13, 2020**

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:**

- **Delta High School**
  - Fixed sprinklers in front of office. - \$249
  - Repaired broken sprinklers and valves. - \$150
  - Installed new irrigation valves. - \$2,615
  
- **D. H. White Elementary**
  - Removed old playground equipment to prep for new Kinder playground. - \$267
  
- **Isleton Elementary School**
  - Installed a new hose bib and irrigation shutoff valve. Cut, painted and installed mounting block to wall and pipe. Laid out plumbing rout. - \$1,062
  - Replaced light sensors in the media center. - \$292
  - Repaired drinking fountains in the Asp classroom. - \$120
  
- **Rio Vista High School**
  - Removed computer hangers from counter tops from the old computer lab. Removed 2 sections of the countertop's ad supports from walls. Repaired and painted the walls. - \$462
  - Repaired Thermostat for building E. - \$137
  - Replaced two sections and fittings of exhaust pipe above snack bar. - \$110
  
- **Riverview Middle School**
  - Replaced ballast and light bulbs in building E. - \$137
  
- **Walnut Grove Elementary School**
  - Replaced wood on 3 benches outside the cafeteria. - \$190

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Nicole Latimer, Chief Educational Services Officer

Item Number: 9.3.2

Type of item: (Action, Consent Action or Information Only): Information only

**SUBJECT:**

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

**BACKGROUND:**

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

**STATUS:**

The district has received no complaints this quarter.

**PRESENTER:** Nicole Latimer, Chief Educational Services Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:** No cost to the district.

**RECOMMENDATION:**

That the Board receives this information as fulfillment of Williams Settlement requirements.

Time allocated: 2 minutes

# Quarterly District Report: *Williams* Uniform Complaint Process (UCP)

Properly submitting this form to SCOE serves as your district's *Williams* UCP Quarterly Complaint Report per *Education Code* § 35186(d). All fields are required.

## SUBMITTER INFORMATION

Trisha Salomon	Secretary	707-374-1729
<b>Name</b> Person submitting form tsalomon@rdusd.org	<b>Job Title</b>	<b>Phone Number</b> Include area code
<b>E-mail Address</b>		

## DISTRICT INFORMATION

River Delta U.S.D.	2020	Quarter 1 (Jul.–Sept.)
<b>School District</b>	<b>Year Covered by This Report</b>	<b>Quarter Covered by This Report</b>

## COMPLAINTS

### Sufficiency of Textbooks

<b>Total Number of Textbook Complaints</b> Enter 0 if none.	0
<b>Number of Textbook Complaints <u>Resolved</u></b> Enter 0 if none.	0
<b>Number of Textbook Complaints <u>Unresolved</u></b> Enter 0 if none.	0

### Emergency School Facilities Issues

<b>Total Number of Emergency Facilities Complaints</b> Enter 0 if none.	0
<b>Number of Emergency Facilities Complaints <u>Resolved</u></b> Enter 0 if none.	0
<b>Number of Emergency Facilities Complaints <u>Unresolved</u></b> Enter 0 if none.	0

### Vacancy or Misassignment of Teachers

<b>Total Number of Vacancy/Misassignment Complaints</b> Enter 0 if none.	0
<b>Number of Vacancy/Misassignment Complaints <u>Resolved</u></b> Enter 0 if none.	0
<b>Number of Vacancy/Misassignment Complaints <u>Unresolved</u></b> Enter 0 if none.	0

## RESOLUTION OF COMPLAINTS

**Briefly summarize the nature of complaints and how they were resolved.**

Enter "N/A" if no complaints were received. If you need more space, enter "sent by e-mail" and send your summary to Shannon Hansen with your report.

N/A

## REPORT INCLUDES ALL COMPLAINTS FOR THIS QUARTER

The number of UCP complaints (textbooks, facilities, and teachers categories) filed for the quarter being reported *MUST* be entered in this report. Please check the box below confirming this:



**Includes All UCP Complaints**

All UCP complaints for the indicated quarter are being reported—from my district office and all school sites in my district.

By submitting this form, you certify that the information is complete and accurate, and that you have verified the accuracy of the report information by contacting each school in your district. The report includes *ALL* UCP complaints in the above categories received at school sites in the district, plus the district office.

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## RETURN INSTRUCTIONS

After completing the form in its entirety, save the file and e-mail it to Shannon Hansen at the Sacramento County Office of Education (SCOE): [shannonh@scoe.net](mailto:shannonh@scoe.net).

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

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

From: Katherine Wright, Superintendent

Item Number: 10.1

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the Minutes from the Regular and Special meetings of the Board of Trustees held on September 8, 2020 and September 28, 2020.

**BACKGROUND:**

Attached are the Minutes from the Regular and Special meetings of the Board of Trustees held on September 8, 2020 and September 28, 2020

**STATUS:**

The Board is to review and approve.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

None

**RECOMMENDATION:**

That the Board approves the Minutes as submitted.

Time allocated: 2 minutes

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## MINUTES

### REGULAR MEETING

September 8, 2020

- 1. Call Open Session to Order** – Board President Olson called the Open Session of the meeting of the Board of Trustees to order at 5:31 p.m. on September 8, 2020. As the result of the Coronavirus Pandemic (COVID-19), on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20. This order includes directives canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment. The health and well-being of our students, staff and community members are the top priority for the Board of Trustee of River Delta Unified School District. To facilitate this process the meeting was held remotely via Zoom Webinar. Access was available to the public to attend with audio and video.

We have modified the meeting procedures while the Shelter-in-Place for Coronavirus Pandemic (COVID-19) is active. President Fernandez gave instructions on how the public is to address the Board during public comment or on any agendized item.

- 2. Roll Call of Members:**

Don Olson, President

Marilyn Riley, Clerk

Jennifer Stone, Member

Rafaela Casillas, Member

Dan Mahoney, Member

Alicia Fernandez, (Resigned August 26, 2020) Vacant Trustee Seat

Chris Elliott, Member (Resigned August 12, 2020) Area dissolved due to redistricting in 2019

Also, present: Katherine Wright, Superintendent; Sharon Silva, Chief Business Officer and Jennifer Gaston, Recorder.

- 3. Review, Approve the Closed Session Agenda and Adjourn to Closed Session**

3.1 Board President Olson announced items on the Closed Session Agenda

3.2 Public Comment on Closed Session Agenda Items. – *None to report*

- 4. Board President Olson asked for a motion to approve the Closed Session agenda and adjourn the meeting to Closed Session @ 5:34 pm**

*Member Riley moved to approve, Member Mahoney seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

- 5. Open Session was reconvened at 6:42 pm**

5.1 Roll was retaken. All active members were present, Member Casillas had some technical difficulties.

Also, present: Katherine Wright, Superintendent; Sharon Silva, Chief Business Officer and Jennifer Gaston, Recorder.

5.2 Pledge of Allegiance was led by Don Olson, Board President

- 6. Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1)**

Board President Olson reported that during Closed Session, the Board did not take any action.

- 7. Review and Approve the Open Session Agenda**

Board President Olson asked for a motion to approve the Open Session Agenda.

*Member Riley moved to approve, Member Stone seconded. Motion carried by roll call vote 4 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 3 (Absent/Abstain: Casillas – Technical difficulty, Fernandez - resigned, Elliott – resigned)*

- 8. Public Comment:** Ms. Latimer reported that there were no comments submitted.

## 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 Mahoney reported that he and Mr. Gaston met with a developer interested in building a solar station on River Road in Rio Vista. The developer requested the District enter into an agreement and, by doing so, the District's electric costs would have a significant decrease. However, the company is requesting a 20-year commitment. Member Mahoney stated that Mr. Gaston is an amazing negotiator. Mr. Gaston asked pointed and clarifying questions to many components of the agreement. The developer has not responded.

9.1.2 Superintendent Wright's report(s) Superintendent Wright began her report by informing all that Board Member Fernandez was needing to resign her position on the Board effective immediately. Mrs. Wright asked if Member Fernandez would like to say words.

Member Fernandez stated that this was one of the most difficult decisions she has ever had to make and that she will miss seeing everyone at the monthly meetings. Over the past 14 years on the Board, there were many times that were overwhelming, stating the most challenging was during budget cuts that effected the students and schools. She also mentioned that leaving during a pandemic is worrisome and she fears that many students will be falling behind academically. Member Fernandez thanked Cabinet Members, Superintendent Wright, Nicole Latimer, Sharon Silva, Bonnie Kauzlarich, Jennifer Gaston and Ken Gaston for all they do for the District. She had a heartfelt thank you for each Board member and what they have meant to her. Member Fernandez stated that overall, together as a Board, she is most proud of the decisions made by the Board that are best for the students of the district. Lastly, she asked the Board to keep steering the ship in the right direction, remembering to ensure equity for all students.

Several Board members thanked Alicia Fernandez for her years of service and stated that they will miss her.

Superintendent Wright reported that she started working at Delta High and Clarksburg Middle School as the Vice Principal when Member Fernandez join the Board of Trustees. Mrs. Wright mentioned that it was very welcoming to have such an active Board member involved at the school sites. Superintendent Wright expressed her deepest gratitude for the 14 years of services, her selflessness, devotion, reading and understanding all materials presented and has thought of all the students of the district prior to making a decision. We will especially miss of her attention to detail, compassion and empathy for all student especially those represented in our minority and under privileged groups. Superintendent wished Member Fernandez all the best in her future endeavors for the greater good.

Superintendent Wright welcomed Tom Anderson back into the River Delta family as the Director of Special Education. His former role in the District was Director of Educational Services/Director of Special Education/Principal of River Delta High/Elementary and Wind River all at the same time, from 2008-2011. Superintendent Wright gave a brief description of his background during the time he was not working in the District.

Superintendent Wright thanked all the employees who have taken on may tasks to conquer the overwhelming duties required to meet all the new state and local mandates during the Covid pandemic.

The admin team has been working on opening the Assessment and Emergency Counseling Centers at two of the district school sites as well as reviewing and understanding the state guidance for in-person instruction for small cohorts, such as, the special education population, homeless and foster youth and English learners, especially those who have limited or no access in their home. The team is also working to understand the Elementary School Waiver process. Superintendent Wright reported that

the team has completed the Draft Learning Continuity and Attendance Plan for 2020-2021. She explained that she anticipated that changes will be needed prior to adoption.

Superintendent Wright reported that the California Department of Education (CDE) has mandated changes to account for attendance during Distance Learning, requiring daily participation of each student. Mrs. Wright thanked Codi Agan, Nicholas Casey and Samy D'Amico for creating a template and instructions for teachers districtwide to use for taking attendance meeting the mandates. The template will be used until Aeries, the student information system software, has been updated and the District has created training videos and instructions on how to use the updated Aeries software.

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 – Sharon Silva, Chief Business Officer, Chief Business Officer; Ken Gaston, Director of MOT

9.2.1 Monthly Financial Report – Sharon Silva, Chief Business Officer reported that the 45-day revised will be added in September.

9.2.2 D.H. White Modular Classroom Construction Project Update – Sharon Silva, Chief Business Officer reported that the project is on budget and that Mr. Gaston will report on the status of the project during his report.

9.2.3 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT noted that the report is reported as submitted.

Mr. Gaston spoke of the meeting with Member Mahoney and the developer regarding the solar project. He stated that the meeting was not as he expected. Although there may be long-term savings on electricity, the long-term effects would need to be determined prior to asking for the Board's approval for making the 20-year commitment. Mr. Gaston requested that Mr. Casey inspect the classrooms to make sure there were not any items that need to be addressed. Mr. Casey provided a list of final items to be completed. The contractor completed his portion of the work on the modular classrooms. Mr. Gaston made note that the remaining tasks are to install window blinds, bring in additional furniture and technology ports need to be configured. To conclude, when we have an idea of the remaining funds in the budget, a determination of what ground covering will be installed such as grass, decomposed granite, or asphalt.

Mr. Gaston met with the Sacramento County of Education on the fiberoptic project in Courtland. They planned to begin installation next year, Mr. Gaston urged them to begin sooner due to the connectivity issues in the area and the impact our students have during distance learning.

9.3 Education Services' and Special Education Reports and/or Presentation(s) - Nicole Latimer, Chief Educational Services Officer and Tom Anderson, Director of Special Education

9.3.1 Educational Services Update – Nicole Latimer, Chief Educational Services Officer reported that Education Services have been supporting teachers and students during the beginning of the school year. Working through issues that have developed, her mantra is "Everything is figureoutable". Ms. Latimer prepared a video presentation for the Board. Unfortunately, the presentation would not play during the Zoom webinar.

9.3.2 Special Education Update – Tom Anderson, Director of Special Education

9.3.2.1 Mental Health information – Angela Patin and Holly Pauls, District Nurses – Tom Anderson, Director of Special Education, mentioned that he is excited to be back in the District. Mr. Anderson mentioned that he has devoted a large amount of time on the topic of social and emotional support for students and it has always been a high priority of his. Prior to the pandemic, the social and emotional support of students has been a hot topic, mostly because we became aware that these supports have a positive impact on the students. Mr. Anderson provided a



presentation on the “Effects of Covid-19 pandemic Related Stress on Student Mental Health”. He touched on the pandemic-related sources of student mental health issues, such as, health concerns, worries around family financial stability, social isolation, lack of access to mental health services, remote learning difficulties, and bereavement. Other issues around the social-emotional impact on students including, anxiety, depression, suicide and exacerbating of pre-existing mental health conditions.

The River Delta school counselors are working with both students and staff members. The counselors are working directly with teachers on social-emotional learning lessons, so that the teachers can use them in their classes during Distance Learning and when they return to in-person teaching.

Mr. Anderson thanked Angela Patin and Holly Pauls, our District nurses, for obtaining all the information for the presentation.

9.4 River Delta Unified Teacher’s Association (RDUTA) Update – RDUTA President, Marsha Montgomery reported that the teacher’s union is moving along and working many hours to accommodate the new mandates set by the state. She also mentioned that they are working on the MOUs to return to school and the regular contract language with the District. The teachers are doing their best to encourage and support the students.

9.5 California State Employee’s Association (CSEA) Chapter #319 Update – Melinda Barkman, CSEA Chapter #319 President – Nicole Latimer read an update on behalf of Melinda Barkman. The update stated that the Chapter #319 negotiation team has sent a counter proposal to the District for the Covid Crisis MOU. The MOU is to cover aspects of Distance Learning, Hybrid Learning and in-person instruction that relate to all classified members. In waiting for a response, she is hopeful to reach an agreement with the District soon.

## 10. Consent Calendar

10.1 Approve Board Minutes

Regular Meeting of the Board – August 11, 2020

10.3 Receive and Approve Monthly Personnel Reports - As of September 8, 2020

10.3 District’s Monthly Expenditure Report  
August 2020

10.4 Request to approve a Leave of Absence for Cheyenne Jahner – Bonnie Kauzlarich, Director of Personnel

10.5 Request to declare as surplus non-operational electric equipment from D.H. White Elementary School – Nicholas Casey, Principal

10.6 Request to approve the three-year digital monitoring system agreement with Hapara G Suite Highlights, at a cost not to exceed, \$22,833.36, Educational Services Funds – Nicole Latimer, Chief Educational Services Officer

10.7 Request to approve the update Appendix A – Designated Positions for the Conflict of Interest Code for River Delta Joint Unified School District – Katherine Wright, Superintendent

10.8 Donations to Receive and Acknowledge:

### **River Delta Unified School District – Student School Supplies**

Judy Tussy - \$300

### **Riverview – Student Planners**

Rio Vista Lions Club - \$1000.20

*Member Mahoney made a motion to pull items 10.1 and 10.3 for discussion, approving the remaining items on the consent agenda, Member Olson seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

*Discussion on item 10.1, Member Mahoney would like to add the curriculum mention by Lane Eggers in the August 11, 2020 Board Minutes. 10.3 Further discussion on the water/sewer issue on the City of Rio Vista invoices.*

*Member Mahoney moved to approve items 10.1 with language added to minutes and 10.3, Member Olson seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

Member Olson recognized the donation and thanked them for their continued support.

Action Items -- Individual speakers shall be allowed two minutes to address the Board on any agenda item. The Board may limit the total time for public input on each agenda item to 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 second and final reading of the updated or new Board Policies, Administrative Regulations or Exhibits due to new legislation or mandated language and citation revisions as of May 2020 – Katherine Wright, Superintendent

*Member Stone moved to approve, Member Casillas seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

12. Request to approve the first reading of the updated or new Board Policies, Administrative Regulations or Exhibits due to new legislation or mandated language and citation revisions as of July 2020 – Katherine Wright, Superintendent

*Member Riley moved to approve, Member Olson seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

13. Request to approve Resolution #799 regarding the 2019-2020 Appropriations (Gann) Limit Calculation – Sharon Silva, Chief Business Officer

*Member Olson moved to approve, Member Mahoney seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

14. Request to approve the Unaudited Actuals Financial Report for 2019-2020 – Sharon Silva, Chief Business Officer

*Member Mahoney moved to approve, Member Stone seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

15. Request to approve to hold a Public Hearing on the Sufficiency of Textbooks and Instructional Materials and to Approve Resolution #800 on the Sufficiency of Textbooks and Instructional Materials as per Education Code Section 60199 and 5 CCR 9531 for 2020-2021 school year – Nicole Latimer, Chief Educational Services Officer

*Member Mahoney moved to approve, Member Olson seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

**Open Public Hearing:** 8:04 pm

**Public Comments:** Nicole Latimer reported that no public comments were submitted.

**Close Public Hearing:** 8:06 pm

16. Request to accept and approve the Timeline and Procedures related to the filling of Board of Trustee's Vacancies created following the resignation of Trustee Fernandez and the August 12, 2020 application deadline for the November 3, 2020 election for the Board of Trustees for Trustee Areas V, VI & VII (Clarksburg and Rio Vista Trustee Areas), it is necessary for the Board to appoint replacements to fulfill these required duties for the 2020-2022 and 2020-2024 terms of office – Katherine Wright, Superintendent

*Member Olson moved to approve, Member Casillas seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

17. Request to approve Change Order No. 1 and grant permission to file the Notice of Completion of the installation of two (2) modular classrooms at D.H. White Elementary School by Kerex Engineering – Ken Gaston, Director of Maintenance, Operations and Transportation

*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

18. Request the Board to hold a Public Hearing on the *Draft* River Delta Unified School District’s Learning Continuity and Attendance Plan 2020-2021. The Learning Continuity and Attendance Plan 2020-2021 will be brought to the Board for approval and adoption at a Special Meeting of the Board via Zoom webinar, date, and time to be determined– Katherine Wright, Superintendent

*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

**Open Public Hearing:** 8:13 pm

**Public Comments:** Superintendent Wright explained components of the Learning Continuity and Attendance Plan for 2020-2021 and the details of creating the document. Member Stone stated that she was extremely impressed with the attention to detail throughout the plan. As a parent she is very happy with the completed document. Nicole Latimer reported that no other comments were made from the public.

**Close Public Hearing:** 8:17 pm

19. Re-Adjourn to continue Closed Session, if needed – Board President reported that re-adjourning to Closed Session was not necessary.
20. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Olson reported Closed Session was not necessary – no actions to report.
21. Adjournment: There being no further business before the Board, Board President Olson asked for a motion to adjourn.

*Member Riley asked for a moment of silence in remembrance of Graham DuBois. Member Riley mentioned that Graham passed away at 4:31pm this afternoon. Graham’s wife, Patti, has been a long-time employee of the District. Both Graham and Patti graduated from Rio Vista High School. Graham will be missed.*

*Member Casillas moved to adjourn, Member Riley seconded. 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent/Abstain: Fernandez - resigned, Elliott – resigned)*

The meeting was adjourned at 8:24 pm

Submitted:

Approved:

\_\_\_\_\_  
Katherine Wright, Superintendent and  
Secretary to the Board of Trustees

\_\_\_\_\_  
Marilyn Riley, Clerk, Board of Trustees

By: Jennifer Gaston, Recorder  
End

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## MINUTES

### SPECIAL MEETING

September 28, 2020

1. **Call Open Session to Order** – Board President Olson called the Open Session of the meeting of the Board of Trustees to order at 5:32 p.m. on September 28, 2020. As the result of the Coronavirus Pandemic (COVID-19), on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20. This order includes directives canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment. The health and well-being of our students, staff and community members are the top priority for the Board of Trustee of River Delta Unified School District. To facilitate this process the meeting was held remotely via Zoom Webinar. Access was available to the public to attend with audio and video.

We have modified the meeting procedures while the Shelter-in-Place for Coronavirus Pandemic (COVID-19) is active. President Fernandez gave instructions on how the public is to address the Board during public comment or on any agendized item.

2. **Roll Call of Members:**

Don Olson, President

Marilyn Riley, Clerk

Jennifer Stone, Member

Rafaela Casillas, Member (arrived 5:40 pm)

Dan Mahoney, Member

Alicia Fernandez, (Resigned August 26, 2020) Vacant Trustee Seat

Chris Elliott, Member (Resigned August 12, 2020) Area dissolved due to redistricting in 2019

Also, present: Katherine Wright, Superintendent; Sharon Silva, Chief Business Officer and Jennifer Gaston, Recorder.

3. **Review, Approve the Closed Session Agenda and Adjourn to Closed Session**

3.1 Board President Olson announced items on the Closed Session Agenda

3.2 Public Comment on Closed Session Agenda Items. – *None to report*

4. **Board President Olson asked for a motion to approve the Closed Session agenda and adjourn the meeting to Closed Session @ 5:34 pm**

*Member Mahoney moved to approve, Member Riley seconded. Motion carried by roll call vote 4 (Ayes: Olson, Riley, Stone, Mahoney): 0 (Nays): 3 (Absent: Casillas, Fernandez - resigned, Elliott – resigned)*

5. **Open Session was reconvened at 6:34 pm**

5.1 Roll was retaken. All active members were present,

Also, present: Katherine Wright, Superintendent; Sharon Silva, Chief Business Officer and Jennifer Gaston, Recorder.

5.2 Pledge of Allegiance was led by Don Olson, Board President

6. **Report of Action taken, if any, during the Closed Session** (Government Code Section 54957.1)

Board President Olson reported that during Closed Session, the Board did not take any action.

7. **Review and Approve the Open Session Agenda**

Board President Olson asked for a motion to approve the Open Session Agenda.

*Member Mahoney moved to approve, Member Riley seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent: Fernandez - resigned, Elliott – resigned)*

8. **Public Comment:** Ms. Latimer reported that there were no comments submitted.

9. Request to approve the River Delta Unified School District’s Learning Continuity and Attendance Plan for 2020-2021 – Katherine Wright, Superintendent  
*Member Stone moved to approve, Member Olson seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent: Fernandez - resigned, Elliott – resigned)*
10. Request to approve the contract with Crowe, LLP to provide an audit and a letter attesting that the District schools will be following the procedures required by CDE for Electronic Signatures in Attendance System, at a cost not to exceed \$4,000, General Funds – Sharon Silva, Chief Business Officer  
*Member Riley moved to approve, Member Mahoney seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent: Fernandez - resigned, Elliott – resigned)*
11. Request the approve to apply for a three-year renewal of the First 5 of Sacramento Grant (RFA) for July 1, 2021 through June 30, 2024 – Carrie Norris, Director of RDUSD First 5 Programs  
*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent: Fernandez - resigned, Elliott – resigned)*
12. Re-Adjourn to continue Closed Session, if needed – Board President reported that re-adjourning to Closed Session was not necessary.
13. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Olson reported Closed Session was not necessary – no actions to report.
14. Adjournment: There being no further business before the Board, Board President Olson asked for a motion to adjourn.  
*Member Casillas moved to approve, Member Riley seconded. Motion carried by roll call vote 5 (Ayes: Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 2 (Absent: Fernandez - resigned, Elliott – resigned)*

The meeting was adjourned at 6:45 pm

Submitted:

Approved:

\_\_\_\_\_  
 Katherine Wright, 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**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Bonnie Kauzlarich, Director of Personnel

Item Number: 10.2

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Monthly Personnel Transaction Report

**BACKGROUND:**

**STATUS:**

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the Monthly Personnel Transaction Report as submitted

Time allocated: 2 minutes

RIVER DELTA UNIFIED SCHOOL DISTRICT  
PERSONNEL TRANSACTION AND REPORT  
DATE: October 13, 2020

NAME	SCHOOL OR DEPARTMENT	NEW OR CURRENT POSITION	TRANSACTION, EFFECTIVE AT
			*CLOSE OF THE DAY
			**BEGINNING OF THE DAY
<b>**ADMINISTRATIVE**</b>			
<b>**CERTIFICATED**</b>			
<b>**CLASSIFIED MANAGEMENT**</b>			
Romeo Selfaison	District Office	Director of Accounting 1.0 FTE	Resigned effective *9/25/2020
Vicki Preciado	District Office	Director of Accounting 1.0 FTE	Hired effective **10/16/2020
<b>**CLASSIFIED**</b>			
Vicky Jugal	Riverview Middle School	Custodian I 1.0 FTE	Hired effective **9/1/2020 (Vice William Guggemos)
Heather Sousa	District Office	Acctng Specialist 1.0 FTE	Hired effective**9/11/2020 (Vice Raymond Gonzales
Ana Origel	D.H. White School	Inst. Asst. II 6 hrs/day	Retired effective *9/30/2020
Ruvi Palafox	Bates/Walnut Grove	Inst. Asst. II 6 hrs/day	Hired effective **10/1/2020 (Vice Maria Camacho)
Bettie Perez	Clarksburg Cafeteria	Food Serv. Wrkr I 3.5 hrs/day	Retiring effective *10/30/2020
Bettie Perez	Clarksburg Cafeteria	Food Serv. Wrkr II 4 hrs/day	Retiring effective *10/30/2020
Mollie Maiden	Mokelumne/ Comm. DaySchool	Inst. Asst. II 5 hrs/day	Resigning effective *10/9/2020
Jessica Hardwick	State Preschool	State Asst. Prschl Tchr 7 hrs/day	Hired effective **10/8/2020 (Vice Chris Slape)

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Sharon Silva, Chief Business Officer

Item Number: 10.3

Type of item: (Action, Consent Action or Information Only): Consent

**SUBJECT:**

Approve Monthly Expenditure Summary

**BACKGROUND:**

The Staff prepares a report of expenditures for the preceding month.

**STATUS:**

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

Not Applicable

**RECOMMENDATION:**

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

Time allocated: 2 minutes



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: Thu, Oct 01, 2020, 12:50 PM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015023 49ER WATER SERVICES 245 NEW YORK RANCH ROAD #A JACKSON, CA 95642	4,077.50	2361 WATER TESTING 2162 WATER TESTING 2295 WATER TESTING 2245 WATER TESTING 2178 WATER TESTING	09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020	21370358 PV-210119 21370358 PV-210119 21370358 PV-210119 21370358 PV-210119 21370358 PV-210119	375.00 2,067.50 375.00 675.00 585.00	N N N N N
( 0) - 0 N						
003556 A-Z BUS SALES 3418 52ND STREET SACRAMENTO, CA 95823	267.57	02P474725 TRANS SUPPLIES 02P474725 TRANS SUPPLIES 02P474725 TRANS SUPPLIES	09/15/2020 09/15/2020 09/15/2020	21370332 PO-210053 21370332 PO-210053 21370332 PO-210053	.93 .93 267.57	N N N
(916) 391-1092 N						
000009 ABEL CHEVROLET-PONTIAC-BUICK 280 NO FRONT STREET P.O. BOX 696 RIO VISTA, CA 94571-0696	526.62	37434 TRANS SERVICE	09/15/2020	21370333 PO-210048	526.62	N
(707) 374-6317 N						
013287 ACSA FOUNDATION FOR ED ADMIN 1575 BAYSHORE HIGHWAY BURLINGAME, CA 94010	2,019.11	105597 SUPT ACSA MMBRSHP SEPTEMBER 2020 ACSA DUES	09/10/2020 09/29/2020	21369810 PO-210364 21372445 PV-210151	1,779.40 239.71	N N
(800) 608-2272 N						
012419 ACSA'S FOUNDATION 1517 L STREET SACRAMENTO, CA 95814	259.00	19747 SUPT ACSA WORKSHOP	09/22/2020	21371283 PO-210408	259.00	N
( ) - N						
014567 ADMINISTRATIVE SOFTWARE APPLIC 1310 HOLLENBECK AVE SUNNYVALE, CA 94087	2,261.00	51819 WIND RIV ASAP SUBSCRPTN	09/10/2020	21369818 PO-210393	2,261.00	N
(877) 845-4005 N						
015074 AIR FILTER CONTROL	1,850.73	540353 MAINT SUPPLIES	09/10/2020	21369820 PO-210143	1,850.73	N

631 BRENNAN STREET  
SAN JOSE, CA 95131

(408) 433-0600

N

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Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
014529 APPLE EDUCATION	7,300.99	AD01094891 RVHS 3 MACBOOKS	09/17/2020	21370734	PO-210392	7,148.01	N
5300 RIATA PARK CRT. BLDG C		AD01208278 ED SV SUPPLIES	09/22/2020	21371286	PO-210374	52.98	N
AUSITN, TX 78727		AD01397910 ED SV SUPPLIES	09/22/2020	21371286	PO-210374	100.00	N
(512) 674-6821							N
013787 B E PUBLISHING	2,998.13	76563 RVHS BOOKS	09/01/2020	21368738	PO-210240	2,998.13	N
BOX 8558							
WARWICK, RI 02888							
(888) 781-6921							N
014367 BANK OF AMERICA	27,112.13	ED SV BOOKS	09/22/2020	21371282	PO-210167	17.97	N
PO BOX 15796		CTEIG THUMBDRIVES	09/22/2020	21371282	PO-210239	117.12	N
WILMINGTON, DE 19886-5710		ED SV PLANNER	09/22/2020	21371282	PO-210245	20.49	N
( 0) - 0		ED SV LATIMER PLANNER	09/22/2020	21371282	PO-210249	83.17	N
		ANNIVERSARY PINS	09/22/2020	21371282	PO-210261	297.80	N
		DHW SUPPLIES	09/22/2020	21371282	PO-210262	344.14	N
		MAINT SUPPLIES	09/22/2020	21371282	PO-210265	275.53	N
		ZOOM LICENSE	09/22/2020	21371282	PO-210267	1,131.25	N
		ED SV EVAL KIT	09/22/2020	21371282	PO-210280	1,312.57	N
		RVHS ICE MAKER	09/22/2020	21371282	PO-210282	4,046.04	N
		MAINT SUPPLIES	09/22/2020	21371282	PO-210283	151.30	N
		DW FLASHDRIVES/SUPPLIES	09/22/2020	21371282	PO-210292	328.65	N
		CAFE NECK COOLING WRAPS	09/22/2020	21371282	PO-210297	259.36	N
		MAINT SUPPLIES/ISLE	09/22/2020	21371282	PO-210298	84.15	N
		MAINT SUPPLIES	09/22/2020	21371282	PO-210305	167.33	N
		CAFE CANOPIES	09/22/2020	21371282	PO-210307	535.05	N
		ED SV RATOLA PRINTER	09/22/2020	21371282	PO-210314	539.44	N
		ED SV RATOLA SUPPLIES	09/22/2020	21371282	PO-210314	699.84	N
		BUS OFF DEPOSIT BAGS	09/22/2020	21371282	PO-210320	105.64	N
		RVHS ADAPTERS	09/22/2020	21371282	PO-210326	38.87	N
		RMS STORAGE SHED	09/22/2020	21371282	PO-210333	44.12	N
		RMS STORAGE SHED	09/22/2020	21371282	PO-210333	135.00	N
		MAINT SUPPLIES	09/22/2020	21371282	PO-210334	245.89	N
		DO STAMPS	09/22/2020	21371282	PO-210335	1,101.80	N
		ISLE SUPPLIES	09/22/2020	21371282	PO-210336	198.76	N
		ED SV BOOKS	09/22/2020	21371282	PO-210339	39.98	N
		RVHS SUPPLIES	09/22/2020	21371282	PO-210342	113.48	N
		RVHS SUPPLIES	09/22/2020	21371282	PO-210342	113.48	N
		RVHS SUPPLIES	09/22/2020	21371282	PO-210342	1,396.70	N
		SP ED SFTWRE	09/22/2020	21371282	PO-210344	78.35	N

MAINT SUPPLIES	09/22/2020	21371282	PO-210349	19.20	N
MAINT SUPPLIES	09/22/2020	21371282	PO-210349	1.56	N
MAINT SUPPLIES	09/22/2020	21371282	PO-210349	1.56	N
RVHS MICROPHONE	09/22/2020	21371282	PO-210350	38.81	N
MAINT SUPPLIES	09/22/2020	21371282	PO-210365	743.67	N
MAINT TONER	09/22/2020	21371282	PO-210379	27.02	N
MAINT SOSICAL SDIST DECALS	09/22/2020	21371282	PO-210380	337.12	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014367 BANK OF AMERICA (Continued...)		DW ZOOM LICENSE	09/22/2020	21371282 PO-210387	12,150.00	N
012586 BAY ALARM	9,361.97	RVHS MONITORING	09/03/2020	21369048 PV-210094	365.31	N
60 BERRY DRIVE		DO MONITORING	09/03/2020	21369048 PV-210094	192.15	N
PACHECO, CA 94553		DW MONITORING	09/03/2020	21369048 PV-210094	1,042.03	N
		RMS CAMERAS	09/24/2020	21371924 PO-210140	713.58	N
(209) 465-1986		DHW CAMERAS	09/24/2020	21371924 PO-210275	598.53	N
N BALCO HOLDINGS		ISLE CAMEREAS	09/24/2020	21371924 PO-210363	103.33	N
		RMS FIRE MONITORING	09/29/2020	21372446 PV-210152	5,191.95	N
		RVHS CAMERA	09/29/2020	21372446 PV-210152	113.97	N
		RVHS CAMERA	09/29/2020	21372446 PV-210152	451.47	N
		BATES CAMERA	09/29/2020	21372446 PV-210152	260.37	N
		DO CAMERA	09/29/2020	21372446 PV-210152	329.28	N
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011231 BECERRA, MARIA ELENA	757.72	BATES SUPPILES	09/10/2020	21369821 PO-210117	257.72	N
PO BOX 98		BATES SUPPLIES	09/10/2020	21369821 PO-210117	500.00	N
COURTLAND, CA 95615						
( 0) - 0						N
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015091 BOHTE, KIM	51.15	KIANA LUNCH REFUND	09/03/2020	21369059 PV-210095	51.15	N
2 SHORELINE CIRCLE						
SACRAMENTO, CA 95831						
( 0) - 0						N
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015095 BRIOSO, TRINIDAD	41.40	SP ED MILEAGE	09/10/2020	21369855 TC-210002	41.40	N
9674 JAN MARIE WAY						
ELK GROVE, CA 95624						
(209) 625-7663						N
-----						
014614 BUCKMASTER	197.16	397839 DHS SUPPLIES	09/29/2020	21372433 PO-210251	90.06	N
1801 TRIBUTE ROAD		397469 DHS COPIER CONTRACT	09/29/2020	21372433 PO-210255	107.10	N
SACRAMENTO, CA 95815						
(916) 923-0500						N
-----						
014674 CAL POLY	1,000.00	DHS M. CARLI SCLRSHIP	09/24/2020	21371914 PO-210435	1,000.00	N
STUDENT ACCOUNTS						

1 GRAND AVENUE BLDG 01, RM 211  
SAN LUIS OBISPO, CA 93407

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003681 CALIFORNIA AMERICAN WATER P.O. BOX 7150 PASADENA, CA 91109-7150  (888) 237-1333	1,117.55	ISLE WATER ISLE WATER ISLE WATER	09/10/2020 09/10/2020 09/17/2020	21369842 PV-210106 21369842 PV-210106 21370746 PV-210128	514.01 238.74 364.80	N N N
012079 CALIFORNIA CLEAR BOTTLED P.O. BOX 981 14410 W.G. THORNTON RD WALNUT GROVE, CA 95690  (916) 776-1544	144.00	ZRI003 DO WATER ZMO002 MOKE/CDS WATER ZBA006 DO WATER	09/17/2020 09/22/2020 09/22/2020	21370747 PV-210129 21371296 PV-210140 21371296 PV-210140	46.75 52.50 44.75	7 7 7
012268 CALIFORNIA WASTE RECOVERY SYSTEMS 175 ENTERPRISE CT STE #A GALT, CA 95632-9047  (209) 369-6887	1,175.41	ISLE WASTE	09/10/2020	21369843 PV-210107	1,175.41	N
014242 CAMACHO MECHANICAL 618 A AIRPORT RD RIO VISTA, CA 94571  (209) 607-9807	660.71	7952 MAINT REPAIRS	09/03/2020	21369044 PO-210321	660.71	Y
010576 CAMACHO, REFUJIO 200 PRIMASING AVE P.O. BOX 553 COURTLAND, CA 95615  ( 0) - 0	96.60	WG MILEAGE	09/15/2020	21370367 TC-210004	96.60	N
011595 CAPITAL AUTISM SERVICES 6400 FREEPORT BLVD SACRAMENTO, CA 95822  (916) 923-1789	13,729.13	2808483 NPS FEES 2914274 NPS FEES 2914273 NPS FEES 2808484 NPS FEES	09/24/2020 09/24/2020 09/24/2020 09/24/2020	21371925 PO-210418 21371925 PO-210418 21371925 PO-210418 21371925 PO-210418	3,817.00 2,925.50 2,871.25 4,115.38	N N N N



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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013882 CAPITOL CLUTCH & BRAKE 3100 DULUTH STREET WEST SACRAMENTO, CA 95691  (916) 371-5970 N	233.65	8440 TRANS SUPPLIES	09/15/2020	21370334 PO-210064	233.65	N
013175 CASAS 5151 MURPHY CANYON RD STE 220 SAN DIEGO, CA 92123-4339  ( 0) - 0 N	815.00	115273 WIND RIV TOPS SUPPORT	09/10/2020	21369819 PO-210394	815.00	N
014492 CATA PO BOX 186 GALT, CA 95632  (209) 744-1614 N	200.00	DHS AG ANNUAL MMBRSHIP DHS AG ANNUAL MMBRSHIP	09/29/2020 09/29/2020	21372426 PO-210442 21372426 PO-210442	100.00 100.00	N N
013918 CENGAGE LEARNING 10650 TOEBBEN DRIVE INDEPENDENCE, KY 41051  (800) 354-9706 N	283.57	71496468 ED SV BOOKS	09/10/2020	21369811 PO-210310	283.57	N
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251  ( 0) - 0 N	1,723.97	WG WASTE BATES WASTE TRANS WASTE MOKE WASTE	09/10/2020 09/10/2020 09/10/2020 09/10/2020	21369844 PV-210108 21369844 PV-210108 21369844 PV-210108 21369844 PV-210108	877.58 627.71 136.69 81.99	N N N N
015002 CERVANTES, DANNY PO BOX 626 WALNUT GROVE, CA 95690  ( 0) - 0 N	56.06	ISLE MILEAGE	09/17/2020	21370759 TC-210006	56.06	N
014130 CHARTER BROS	1,750.00	200312RP SP ED BUS FIELD TRIP	09/15/2020	21370360 PV-210121	1,750.00	N

PO BOX 505  
PLEASANTON, CA 94566

(925) 497-2376

N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641  (916) 777-7770	411.05	81260 ISLE SEWER	09/15/2020	21370335 PO-210004	411.05	N
000077 CITY OF RIO VISTA 1 MAIN STREET RIO VISTA, CA 94571  ( 0) - 0	19,117.57	RVHS SEWER DHW SEWER RMS SEWER DO SEWER RHO VISTA FIRE DHW WATER RMS WATER DO WATER RVHS WATER	09/10/2020 09/10/2020 09/10/2020 09/10/2020 09/10/2020 09/10/2020 09/10/2020 09/10/2020 09/10/2020	21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109 21369845 PV-210109	5,925.57 1,721.17 3,616.55 160.73 1,664.20 1,961.30 178.86 3,889.19	N N N N N N N N N
014088 CLINE, SUZANNE 501 CALIFORNIA ST RIO VISTA, CA 94571  ( 0) - 0	490.45	ISLE PRESCL SUPPLIES ISLE PRESCL SUPPLIES ISLE PRESCL SUPPLIES	09/10/2020 09/15/2020 09/24/2020	21369856 TC-210003 21370368 TC-210005 21371933 PO-210407	98.70 49.36 342.39	N N N
014215 CONTERRA ULTRA BROADBAND PO BOX 281357 ATLANTA, GA 30384-1357  (704) 936-1722	1,800.22	45263 DW NETWORK 45263 DW NETWORK	09/10/2020 09/10/2020	21369846 PV-210110 21369846 PV-210110	15,104.85 16,905.07	N N
011800 CONTINENTAL ATHLETIC SUPPLY 1050 HAZEL ST. P.O. BOX 128 GRIDLEY, CA 95948  (530) 846-4711	2,366.29	101780 DHS FTBLL HELMET CONDIT	09/29/2020	21372447 PV-210153	2,366.29	N
014569 CPI 10850 W. PARK PLACE SUITE 250 MILWAUKEE, WI 53224	150.00	176752 MMBRSHIP DUES	09/15/2020	21370361 PV-210122	150.00	N

(888) 426-2184

N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014147 CSF/CJSF CENTRAL OFFICE 28241 CROWN VALLEY PARKWAY SUITE F #201 LAGUNA NIGUEL, CA 92677  (800) 437-3347 N	75.00	DHS ANNUAL DUES	09/22/2020	21371297 PV-210141	75.00	N
015100 CSU EAST BAY OFFICE OF FIN. AID & SCHLRSHPS 25800 CARLOS BEE BOULEVARD HAYWARD, CA 94542  ( 0) - 0 N	500.00	DHS T VELAZQUEST SCLRSHP	09/24/2020	21371915 PO-210431	500.00	N
013476 CURRICULUM ASSOCIATES 153 RANGEWAY RD NORTH BILLERICA, MA 01862  (800) 225-0248 Y	1,501.75	90659353 WG SUPPLIES	09/15/2020	21370329 PO-210199	1,501.75	Y
013876 DATAPATH PO BOX 396009 SAN FRANCISCO, CA 94139  (888) 693-2827 N	58,276.78	147352 MAINT COMPUTER 147353 RACK MOUNT UPS 147351 DW 81 CHROMEBOOKS 147345 SUPPLIES ARUBA INSTALL 146800 MODULES FOR ARUBA 147519 SP ED RMS LAPTOP 147520 SP ED DHW LAPTOP 147414 DW IT SERVICES 147414 DW IT SERVICES 147414 DW IT SERVICES 147414 DW IT SERVICES 147414 DW IT SERVICES 147414 DW IT SERVICES 146715 SWITCH INSTALL 147753 DW 20 LAPTOPS 147779 LABOR SWITCH INSTALL	09/03/2020 09/03/2020 09/03/2020 09/03/2020 09/10/2020 09/10/2020 09/10/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/24/2020 09/29/2020	21369038 PO-210231 21369038 PO-210257 21369038 PO-210289 21369038 PO-210319 21369812 PO-210001 21369812 PO-210302 21369812 PO-210309 21370336 PO-210008 21370336 PO-210008 21370336 PO-210008 21370336 PO-210008 21370356 PO-210008 21370362 PV-210123 21371916 PO-210290 21372448 PV-210154	609.69 1,763.24 21,691.29 279.85 669.51 982.45 982.45 118.28 118.28 118.25 11,236.16 236.58 2,160.00 17,010.75 300.00	N N N N N N N N N N N N N N N N N
013722 DE LAGE LANDEN PUBLIC FINANCE 1111 OLD EAGLE SCHOOL ROAD WAYNE, PA 19087	2,289.69	69152992 PROPERTY TAX 69152997 PROPERTY TAX 69152994 PROPERTY TAX 69200583 WG LEASE	09/03/2020 09/03/2020 09/03/2020 09/10/2020	21369049 PV-210096 21369049 PV-210096 21369049 PV-210096 21369822 PO-210203	107.01 39.55 43.60 324.82	N N N N

(800) 736-0220

N

69200613	F5 LEASE	09/10/2020	21369822	PO-210269	80.81	N
69383399	BUS OFF SAVIN LEASE	09/15/2020	21370337	PO-210006	176.51	N
25362876	DO SAVIN LEASE	09/15/2020	21370337	PO-210007	468.55	N
25362876	DO SAVIN LEASE	09/15/2020	21370337	PO-210007	200.81	N
69350874	BATES LEASE	09/15/2020	21370337	PO-210119	355.58	N
69571507	ED SV SAVIN LEASE	09/22/2020	21371287	PO-210043	232.22	N
69579096	WG LEASE	09/29/2020	21372434	PO-210203	175.37	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013722 DE LAGE LANDEN (Continued...)		69579124 F5 LEASE	09/29/2020	21372434 PO-210269	84.86	N
002819 DELTA CARE DEPT #0170 LOS ANGELES, CA 90084-0170	46.98	AUGUST 2020 RETIREE PREMIUMS	09/01/2020	21368741 PV-210093	46.98	N
( 0) - 0						N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612	247,841.00	SEPTEMBER 2020 TAX IN LIEU	09/03/2020	21369050 PV-210097	247,841.00	N
(916) 995-1335						N
015089 DIESEL LAPTOPS 7440 BROAD RD IRMO, SC 29063	8,108.97	63420 TRANS LAPTOP KITS	09/01/2020	21368739 PO-210285	8,108.97	N
(971) 727-5906						N
014067 DISCOVERY OFFICE SYSTEMS 1269 CORPORATE CENTER PARKWAY SANTA ROSA, CA 95407	188.08	55E1576257 BATES MAINT AGRMNT	09/15/2020	21370338 PO-210120	36.30	N
		55E1584887 BATES MAINT AGRMNT	09/15/2020	21370338 PO-210120	36.30	N
		55E1586287 ISLE COPIER CONTRCT	09/17/2020	21370740 PO-210362	80.54	N
		55E1587341 WG MAINT CONTRACTS	09/29/2020	21372435 PO-210205	34.94	N
(707) 570-1000						N
012757 DIVISION OF STATE ARCHITECT 1102 Q STREET SUITE 5200 SACRAMENTO, CA 95811	1,485.00	9283 DHW MODULAR SERVICES	09/22/2020	21371302 PV-210146	742.50	N
		9283 DHW MODULAR SERVICES	09/22/2020	21371302 PV-210146	742.50	N
(916) 445-8730						N
000188 DOLK TRACTOR COMPANY 242 N. FRONT STREET RIO VISTA, CA 94571	363.62	00546 MAINT PARTS	09/22/2020	21371298 PV-210142	363.62	N
( 0) - 0						N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010469 E.F. KLUDT & SONS INC P.O. BOX 166 LODI, CA 95241-0166	6,261.52	268126 TRANS FUEL 269125 TRANS FUEL 269535 TRANS FUEL	09/10/2020 09/22/2020 09/29/2020	21369823 PO-210059 21371288 PO-210059 21372436 PO-210059	2,165.87 1,676.36 2,419.29	N N N
( 0) - 0						N
015096 FAIRYTALE TOWN 3901 LAND PARK DRIVE SACRAMENTO, CA 95822	150.00	09-2020-SPS F5 PLAY SUMMIT	09/10/2020	21369813 PO-210358	150.00	N
(916) 808-7462						N
013121 FASSTRAK VIOLATION PROCESSING DEPARTMENT P.O. BOX 26925 SAN FRANCISCO, CA 94126-6925	6.00	T717047091921 MAINT TOLL	09/03/2020	21369051 PV-210098	6.00	N
( ) -						N
010243 FOLLETT SCHOOL SOLUTIONS 1340 RIDGEVIEW DRIVE MCHENRY, IL 60050	448.62	719452F RMS BOOKS 719452F RMS BOOKS 719452F RMS BOOKS	09/29/2020 09/29/2020 09/29/2020	21372427 PO-210130 21372427 PO-210130 21372427 PO-210130	1.58 1.58 448.62	N N N
(800) 511-5114						N
011339 FRONTIER COMMUNICATIONS CORPORATION THREE HIGH RIDGE PARK STAMFORD, CT 06905	11,279.99	FRONTIER BIIG CIRCUIT RVHS ALARM DHW ALARM BATES ALARM DO TRANS ALARM TRANS DHW EMERG RMS RMS RMS RMS EMERG RMS WG WG EMERG	09/10/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020 09/17/2020	21369847 PV-210111 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130 21370748 PV-210130	6,697.26 126.92 126.92 84.62 84.62 45.98 96.39 94.30 121.11 96.39 96.56 84.62 264.63 84.62 68.30	N N N N N N N N N N N N N N N N
( 0) - 0						N

BATES EMERG	09/17/2020	21370748	PV-210130	57.45	N
CMS	09/17/2020	21370748	PV-210130	68.30	N
CMS ERG	09/17/2020	21370748	PV-210130	112.02	N
DHS	09/17/2020	21370748	PV-210130	68.30	N
TRANS	09/17/2020	21370748	PV-210130	126.92	N
ISLE	09/17/2020	21370748	PV-210130	158.96	N
ISLE ALARM	09/17/2020	21370748	PV-210130	84.62	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
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011339 FRONTIER COMMUN (Continued...)		MAINT	09/17/2020	21370748 PV-210130	109.20	N
		RVHS EMERG	09/17/2020	21370748 PV-210130	84.62	N
		RVHS	09/17/2020	21370748 PV-210130	177.34	N
		MAINT	09/17/2020	21370748 PV-210130	67.44	N
		MAINT	09/17/2020	21370748 PV-210130	226.73	N
		ISLE	09/17/2020	21370748 PV-210130	40.14	N
		DHW	09/17/2020	21370748 PV-210130	147.94	N
		MOKE	09/17/2020	21370748 PV-210130	68.30	N
		MOKE ALARM	09/17/2020	21370748 PV-210130	51.65	N
		CMS ALARM	09/17/2020	21370748 PV-210130	84.62	N
		DO	09/17/2020	21370748 PV-210130	1,071.97	N
		RVHS	09/17/2020	21370748 PV-210130	52.51	N
		ISLE EMERG	09/17/2020	21370748 PV-210130	68.30	N
		DHS EMERG	09/17/2020	21370748 PV-210130	84.62	N
		WG ALARM	09/17/2020	21370748 PV-210130	94.80	N
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014234 GIRARD EDWARDS STEVENS & TUCKER LLP., ATTORNEYS AT LAW 8801 FOLSOM BLVD STE 285 SACRAMENTO, CA 95826	6,332.50	2881 ATTY FEES	09/10/2020	21369848 PV-210112	4,330.00	Y
		2881 ATTY FEES	09/10/2020	21369848 PV-210112	1,072.50	Y
		2881 ATTY FEES	09/10/2020	21369848 PV-210112	930.00	Y
(916) 706-1255						Y
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014830 GOMEZ-MORENO, FELIPE 4577 UNDERWOOD WAY SACRAMENTO, CA 95823	40.00	DHS CONF REIMB	09/22/2020	21371303 TC-210007	40.00	N
(916) 207-8084						N
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003598 GRAINGER 3691 INDUSTRIAL BLVD WEST SACRAMENTO, CA 95691-3479	344.97	9629257685 MAINT SUPPLIES	09/15/2020	21370339 PO-210072	344.97	N
(916) 372-7800						N W.W. GRAINGER
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014573 GREAT AMERICA FINANCIAL SVCS PO BOX 660831 DALLAS, TX 75266-0831	726.66	27642944 CMS LEASE	09/15/2020	21370340 PO-210325	343.20	N
		27787641 DHS COPIER LEASE	09/22/2020	21371289 PO-210248	40.26	N
		27832873 CMS LEASE	09/29/2020	21372437 PO-210325	343.20	N
(877) 311-4422						N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013112 GREENFIELD LEARNING INC P.O. BOX 3024 HALF MOON BAY, CA 94019  (800) 726-1156	53,220.00	9238 LEXIA READING LICENSE 9238A LEXIA READING LICENSE	09/03/2020 09/03/2020	21369040 PO-210299 21369040 PO-210300	33,420.00 19,800.00	N N
000711 GROW WEST PARTS 14301 RAILROAD AVE WALNUT GROVE, CA 95690-  (916) 776-1744	66.75	13112 TRANS SUPPLIES	09/15/2020	21370341 PO-210049	66.75	N
		THE LYMAN GROU				
014868 HALL, SARA PO BOX 9586 TRUCKEE, CA 96162  (916) 640-3533	1,075.00	SP ED BEHAV ASSESSMNTS	09/10/2020	21369824 PO-210211	1,075.00	Y
014500 HAND IN HAND THERAPEUTICS 214 ELMWOOD AVE MODESTO, CA 95354  (209) 604-8533	1,091.67	SP ED OCC THERAPY W/E 8/25 SP ED OCC THERAPY W/E 9/11	09/10/2020 09/17/2020	21369825 PO-210311 21370741 PO-210311	575.00 516.67	Y Y
		WAYNE STEVENSO				
015097 HAPARA INC PO BOX 3117 REDWOOD CITY, CA 94064  ( 0) - 0	22,833.36	116406 ED SV HAPARA SFTWR 116407 ED SV HAPARA SFTWR	09/17/2020 09/17/2020	21370735 PO-210404 21370735 PO-210405	7,611.12 15,222.24	N N
		HAPARA, INC.				
014222 HCI AUDIOMETRICS 5272 JERUSALEM CT STE A MODESTO, CA 95356-9278  (800) 653-3277	294.28	1381709 ED SV CALIBRATIONS	09/03/2020	21369039 PO-210041	294.28	N
003538 HOME DEPOT CREDIT SERVICES DEPT 32-2500439736	2,280.63	MAINT SUPPLIES	09/10/2020	21369826 PO-210073	2,280.63	N

P.O. BOX 78047  
PHOENIX, AZ 85062-8047

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013947 HOME DEPOT PRO	9,149.35	56836237 DO SUPPLIES	09/03/2020	21369052 PV-210099	204.46	N
PO BOX 742056		569285596 ISLE SUPPLIES	09/03/2020	21369052 PV-210099	276.77	N
LOS ANGELES, CA 90074-2056		564836252 WG SUPPLIES	09/03/2020	21369052 PV-210099	448.63	N
		564836252 WG SUPPLIES	09/03/2020	21369052 PV-210099	481.47	N
(877) 577-1114		564471688 TRANS SUPPLIES	09/03/2020	21369052 PV-210099	156.23	N
N		564471670 DHW SUPPLIES	09/03/2020	21369052 PV-210099	115.10	N
		565287026 BATES SUPPLIES	09/03/2020	21369052 PV-210099	136.54	N
		570359133 TRANS SUPPLIES	09/10/2020	21369849 PV-210113	91.80	N
		572003689 DO	09/17/2020	21370749 PV-210131	3,339.77	N
		572003697 DO	09/17/2020	21370749 PV-210131	734.90	N
		572206530 RVHS	09/17/2020	21370749 PV-210131	51.77	N
		572206522 DO	09/17/2020	21370749 PV-210131	205.52	N
		563395839 DHS SUPPLIES	09/22/2020	21371290 PO-210185	67.95	N
		568738355 DO SUPPLIES	09/22/2020	21371290 PO-210185	154.25	N
		569847106 CMS SUPPLIES	09/22/2020	21371290 PO-210185	125.94	N
		563191345 ISLE SUPPLIES	09/22/2020	21371290 PO-210185	4.87	N
		566647533 DHW SUPPLIES	09/22/2020	21371290 PO-210185	38.67	N
		570037788 CMS SUPPLIES	09/22/2020	21371290 PO-210185	106.02	N
		565287026 BATES SUPPLIES	09/22/2020	21371290 PO-210185	136.54	N
		567372040 RVHS SUPPLIES	09/22/2020	21371290 PO-210185	24.26	N
		563395813 DO SUPPLIES	09/22/2020	21371290 PO-210185	68.51	N
		565287034 RVHS SUPPLIES	09/22/2020	21371290 PO-210185	68.51	N
		566647451 ISLE SUPPLIES	09/22/2020	21371290 PO-210185	38.89	N
		572473825 DO SUPPLIES	09/22/2020	21371299 PV-210143	91.86	N
		572473791 DO SUPPLIES	09/22/2020	21371299 PV-210143	91.86	N
		569251713 ISLE SUPPLIES	09/22/2020	21371299 PV-210143	29.63	N
		569285588 DHW SUPPLIES	09/22/2020	21371299 PV-210143	154.27	N
		572473809 DO SUPPLIES	09/22/2020	21371299 PV-210143	137.02	N
		569847106 CMS SUPPLIES	09/22/2020	21371299 PV-210143	165.50	N
		572473817 DO SUPPLIES	09/24/2020	21371926 PO-210185	175.92	N
		572270627 WG SUPPLIES	09/24/2020	21371926 PO-210185	438.27	N
		571485093 CAFE SUPPLIES	09/24/2020	21371934 PV-210147	147.92	N
		573010378 ISLE SUPPLIES	09/29/2020	21372438 PO-210185	34.46	N
		574129581 DO SUPPLIES	09/29/2020	21372438 PO-210185	61.03	N
		574327763 DO SUPPLIES	09/29/2020	21372438 PO-210185	84.55	N
		574327771 DO SUPPLIES	09/29/2020	21372438 PO-210185	8.92	N
		574129599 ISLE SUPPLIES	09/29/2020	21372438 PO-210185	634.49	N
012272 HOUGHTON MIFFLIN HARCOURT	9,345.31	957890751 ED SV BOOKS	09/03/2020	21369041 PO-210175	6,305.90	N
PUBLISHING COMPANY		954884475 ED SV BOOKS	09/03/2020	21369041 PO-210175	2,802.62	N
222 BERKELEY STREET		954956098 ED SV BOOKS	09/10/2020	21369814 PO-210340	236.79	N
BOSTON, MA 02116						

(800) 225-5425

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013807 HUBERT COMPANY LLC 9555 DRY FORK ROAD HARRISON, OH 45030  (800) 543-7374 N K + K AMERICA	363.62	546 CAFE SUPPLIES	09/15/2020	21370366 PV-210127	363.62	N
014921 HUDL 29775 NETWORK PLACE CHICAGO, IL 60673-1775  (402) 817-0060 N	900.00	886514 FOOTBALL SPPLS 886514 FOOTBALL SPPLS	09/15/2020 09/15/2020	21370363 PV-210124 21370363 PV-210124	450.00 450.00	N N
011917 INDOFF 11816 LACKLAND AVENUE ST. LOUIS, MO 63146-4206  (707) 374-4037 N	1,206.18	3401199 RVHS SUPPLIES 3402511 RVHS SUPPLIES 3402510 RVHS SUPPLIES 3402920 ED SV RVHS CHAIR 3383567/3378717 RVHS SUPPLIES 3405948 RVHS SUPPLIES	09/10/2020 09/15/2020 09/15/2020 09/17/2020 09/22/2020 09/24/2020	21369827 PO-210098 21370342 PO-210098 21370342 PO-210100 21370736 PO-210353 21371291 PO-210098 21371927 PO-210098	320.16 103.88 136.77 431.42 149.62 64.33	N N N N N N
000107 INLAND BUSINESS SYSTEMS 1500 NO. MARKET SACRAMENTO, CA 95834-1912  (916) 928-0770 N	987.62	IN1581525 RVHS LEASE AGRMNT IN1581525 RVHS MAINT AGRMNT IN1622095 RVHS LEASE AGRMNT IN1622095 RVHS MAINT AGRMNT	09/15/2020 09/15/2020 09/29/2020 09/29/2020	21370343 PO-210097 21370343 PO-210099 21372439 PO-210097 21372439 PO-210099	270.31 234.37 270.31 212.63	N N N N
013919 JACOBSEN WEST 1170 NATIONAL DRIVE SUITE 20 SACRAMENTO, CA 95834  (916) 419-2000 N TEXTRON INC	718.83	92278437 MAINT SUPPLIES 92295209 MAINT SUPPLIES	09/15/2020 09/29/2020	21370344 PO-210081 21372440 PO-210081	673.55 45.28	N N
014955 JOHNSON CONTRLS DEPT. CH 10320 PALATINE, IL 60055-0320  ( 0) - 0 N	1,160.00	86946084 DHW FIRE PROTECTION	09/29/2020	21372449 PV-210155	1,160.00	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013940 KELLY MOORE PAINTS CO INC 10299 EAST STOCKTON BOULEVARD SUITE 101 ELK GROVE, CA 95758  (650) 610-4370	1,026.21	409108 MAINT SUPPLIES	09/22/2020	21371292 PO-210071	1,026.21	N
015021 KEREX ENGINEERING INC. 93 MONTE CRESTA AVE PLEASANT HILL, CA 94523  ( 0) - 0	38,514.83	PAY APP #4 SITE IMPROV DHW MOD PAY APP #4 SITE IMPROV DHW MOD	09/24/2020 09/24/2020	21371937 PV-210150 21371937 PV-210150	19,257.42 19,257.41	N N
014375 KITS FOR KIDZ 75 REMITTANCE DRIVE DEPT 6749 CHICAGO, IL 60675-6749  (800) 975-4587	1,584.00	183858 MIG ED SUPPLIES	09/17/2020	21370750 PV-210132	1,584.00	N
013764 KUTA SOFTWARE LLC 6308 HOLLAND MEADOW LANE GAITHERSBURG, MD 20882-1236  (877) 563-2285	832.00	22780 RVHS KUTA SOFTWARE 22780 RVHS KUTA SOFTWARE 22780 RVHS KUTA SOFTWARE	09/17/2020 09/17/2020 09/17/2020	21370737 PO-210391 21370737 PO-210391 21370737 PO-210391	832.00 67.60 67.60	7 N N
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE STOCKTON, CA 95202  (209) 463-1900	330.00	7730 TRANS UHF SERVICE	09/15/2020	21370345 PO-210057	330.00	7
000548 LIRAS SUPERMARKET 609 HWY 12 RIO VISTA, CA 94571  (707) 374-5399	527.61	#55 RVHS SUPPLIES #55 RVHS SUPPLIES #55 RVHS CULINARY SUPPLIES	09/17/2020 09/17/2020 09/17/2020	21370742 PO-210101 21370742 PO-210104 21370742 PO-210104	192.00 192.00 143.61	N N N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013206 LOWE'S 8369 POWER INN ROAD ELK GROVE, CA 95624-3464  (866) 232-7443	595.60	MAINT SUPPLIES	09/15/2020	21370346 PO-210074	595.60	N
014665 LOY MATTISON ENTERPRISES 7038 ALMOND HILL COURT ORANGEVALE, CA 95662  ( 0) - 0	1,007.50	070120083020 ERATE PROF CNSLT	09/10/2020	21369828 PO-210095	1,007.50	Y
014144 MARTINEZ, SANDRA PO BOX 298 ISLETON, CA 95641  ( 0) - 0	61.05	F5 SUPPLIES F5 SUPPLIES	09/10/2020 09/15/2020	21369829 PO-210361 21370347 PO-210361	48.40 12.65	N N
014819 MAVERICK NETWORKS INC. 7060 KOLL CENTER PKWY#318 PLEASANTON, CA 94566  (925) 931-1900	1,440.00	2002326 DW PHONE REPAIR 2002391 DW PHONE REPAIR	09/17/2020 09/24/2020	21370743 PO-210195 21371928 PO-210195	120.00 1,320.00	N N
014107 MCCARTY, MELADEE 9217 VERVAINE WAY SACRAMENTO, CA 95829-8733  (209) 601-2940	400.00	SP ED PROF SERV	09/10/2020	21369830 PO-210192	400.00	Y
011392 MCGRAW HILL SCHOOL PUBLISHING 220 E DANIELDALE ROAD DESOTO, TX 75115  (614) 755-4151	13,705.52	113907347002 ED SV BOOKS 113909789001 ED SV BOOKS	09/10/2020 09/15/2020	21369816 PO-210317 21370331 PO-210308	13,557.88 147.64	N N
014970 MOTION PICTURE LICENSING CORP PO BOX 80144	130.56	504285105 F5 LICENSE	09/15/2020	21370364 PV-210125	130.56	N

CITY OF INDUSTRY, CA 917168144

(800) 462-8855

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015092 NATOMAS UNIFIED SCHOOL DISTRICT 1901 ARENA BLVD SACRAMENTO, CA 95834	4,922.95	DW HOTSPOTS 200042 HOTSPOTS WI-FI	09/03/2020 09/10/2020	21369053 PV-210100 21369851 PV-210114	1,312.00 3,610.95	N N
( 0) - 0						N
015075 NO RED INK 118 2ND STREET SAN FRANCISCO, CA 94105	3,000.00	10717 RMS WRITING PROGRAM 10717 RMS WRITING PROGRAM	09/17/2020 09/17/2020	21370738 PO-210134 21370738 PO-210134	1,200.00 1,800.00	N N
( 0) - 0						N
010203 OCCUPATIONAL HEALTH PO BOX 39000 DEPT 33404 SAN FRANCISCO, CA 94139-3404	120.00	OH66084 DOT PHYSICAL	09/29/2020	21372450 PV-210156	120.00	N
(707) 399-6068		N NORTHBAY HEALT				
014837 OTTER GRAPHICS 1237 VICTORIA AVE STE #285 OXNARD, CA 93035	252.57	7702 RMS SUPPLIES 7702 RMS SUPPLIES 7702 RMS SUPPLIES 7702 RMS SUPPLIES 7702 RMS SUPPLIES	09/15/2020 09/15/2020 09/15/2020 09/15/2020 09/15/2020	21370330 PO-210138 21370330 PO-210138 21370330 PO-210138 21370330 PO-210138 21370330 PO-210138	1.24- 1.24 151.00 .83 .83	N N N N N
(424) 488-1120		N				
015017 PALAFOX, CASSANDRA 932 MELADEE LANE GALT, CA 95632	175.00	DHS WORKSHPP REGIST	09/24/2020	21371918 PO-210429	175.00	N
(916) 206-9710		N				
013895 PEARSON CLINICAL ASSESSMENT ORDERING PO BOX 599700 SAN ANTONIO, TX 78259	550.14	11644598 ED SV SUPPLIES 11644598 ED SV SUPPLIES 11644598 ED SV SUPPLIES	09/24/2020 09/24/2020 09/24/2020	21371917 PO-210373 21371917 PO-210373 21371917 PO-210373	44.70- 44.70 550.14	N N N
(800) 627-7271		N				

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Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
013086 PEARSON EDUCATION INC	427.03	4026169205 ED SV BOOKS	09/10/2020	21369815	PO-210226	16.87	N
501 BOLYSTON STREET		4026169205 ED SV BOOKS	09/10/2020	21369815	PO-210226	16.87	N
SUITE 900		4026169205 ED SV BOOKS	09/10/2020	21369815	PO-210226	207.57	N
BOSTON, MA 02116		4026197226 ED SV BOOKS	09/24/2020	21371919	PO-210338	219.46	N
(800) 848-9500							N
003270 PG&E	88,717.59	RVHS	09/03/2020	21369054	PV-210101	10,072.97	N
685 EMBARCADERO DRIVE		RVHS	09/03/2020	21369054	PV-210101	166.99	N
SACRAMENTO, CA 95605		DHS LTS	09/03/2020	21369054	PV-210101	22.90	N
( 0) - 0		DHS LTS	09/03/2020	21369054	PV-210101	12.80	N
N PACIFIC GAS AN		DHS LTS	09/03/2020	21369054	PV-210101	35.70	N
		DHS	09/03/2020	21369054	PV-210101	2,894.61	N
		SCL PUMP DHS	09/03/2020	21369054	PV-210101	143.35	N
		DHS	09/03/2020	21369054	PV-210101	6,028.62	N
		ISLE	09/03/2020	21369054	PV-210101	3,844.37	N
		ISLE GARAGE	09/03/2020	21369054	PV-210101	123.25	N
		DHW	09/03/2020	21369054	PV-210101	287.27	N
		DHW	09/03/2020	21369054	PV-210101	7,403.36	N
		RMS	09/03/2020	21369054	PV-210101	3,586.98	N
		CMS	09/03/2020	21369054	PV-210101	2,624.65	N
		DO	09/03/2020	21369054	PV-210101	1,417.14	N
		N. NETH	09/03/2020	21369054	PV-210101	45.81	N
		LIFT PUMP	09/03/2020	21369054	PV-210101	146.06	N
		DO	09/03/2020	21369054	PV-210101	45.22	N
		SHOP	09/03/2020	21369054	PV-210101	62.36	N
		GARAGE	09/03/2020	21369054	PV-210101	121.14	N
		RADIO RIO ELECT	09/10/2020	21369852	PV-210115	29.13	N
		ISLE	09/29/2020	21372451	PV-210160	5,302.19	N
		DHS	09/29/2020	21372451	PV-210160	3,868.16	N
		CMS	09/29/2020	21372451	PV-210160	3,864.18	N
		DO	09/29/2020	21372451	PV-210160	1,592.03	N
		N. NETH	09/29/2020	21372451	PV-210160	45.81	N
		DHW	09/29/2020	21372451	PV-210160	10,355.40	N
		RVHS	09/29/2020	21372451	PV-210160	11,811.50	N
		RVHS	09/29/2020	21372451	PV-210160	210.82	N
		DO	09/29/2020	21372451	PV-210160	45.22	N
		SHOP	09/29/2020	21372451	PV-210160	76.18	N
		GARAGE	09/29/2020	21372451	PV-210160	129.08	N
		DHS	09/29/2020	21372451	PV-210160	6,633.86	N
		RMS	09/29/2020	21372451	PV-210160	4,674.15	N
		SCH PUMP	09/29/2020	21372451	PV-210160	152.91	N
		LT'S	09/29/2020	21372451	PV-210160	22.92	N

LT'S	09/29/2020	21372451	PV-210160	12.79	N
LT'S	09/29/2020	21372451	PV-210160	35.72	N
LIFT PUMP	09/29/2020	21372451	PV-210160	183.98	N
GARAGE	09/29/2020	21372451	PV-210160	147.91	N
DHW	09/29/2020	21372451	PV-210160	438.10	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013458 PITNEY BOWES INC 1 ELMCROFT ROAD STAMFORD, CT 06926-0700  (800) 228-1071 N	370.12	3104164303 POST MACH LEASE	09/10/2020	21369831 PO-210002	370.12	N
002526 PITNEY BOWES RESERVE ACCOUNT 1245 EAST BRICKYARD ROAD SUITE 250 SALT LAKE CITY, UT 84106-4278  ( 0) - 0 N	5,000.00	19076520 DO POSTAGE	09/15/2020	21370348 PO-210003	5,000.00	N
015081 PLUMMER, RENEE 2072 PRAIRIE VIEW LANE LINCOLN, CA 95648  ( 0) - 0 Y	750.00	2008 TRANS EVAL FOR DRIVERS	09/03/2020	21369045 PO-210232	750.00	Y
013554 POINT QUEST 6600 44TH STREET SACRAMENTO, CA 95823  (916) 422-0571 N	8,335.00	734508/734528/734538 NPS 1124 SP ED INST ASSISTS	09/15/2020 09/15/2020	21370349 PO-210388 21370349 PO-210389	7,831.00 504.00	N N
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765  (317) 371-3866 Y	23,392.00	6998/6997 SP ED SP THERAPY	09/10/2020	21369832 PO-210303	23,392.00	7
001271 PRO-ED 8700 SHOAL CREEK BLVD AUSTIN, TX 78757  (800) 897-3202 N	460.69	2846898 ED SV SUPPLIES 2849377 SP ED SUPPLIES	09/24/2020 09/29/2020	21371920 PO-210371 21372428 PO-210417	165.38 295.31	N N
010134 READ NATURALLY INC	1,150.00	241312 DHW READ LIVE SEATS	09/03/2020	21369042 PO-210276	1,150.00	N

1284 CORPORATE CENTER DR. #600  
SAINT PAUL, MN 55121

(800) 788-4085 N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010580 REALLY GOOD STUFF INC PO BOX 1111 SHELTON, CT 06484-1110  (203) 261-1920	326.24	7414260 ISLE PRESCL SUPPLIES	09/29/2020	21372432 PO-210406	326.24	N
000193 RIO VISTA ACE HARDWARE 506 STATE HIGHWAY 12 RIO VISTA, CA 94571  ( 0) - 0	438.26	270822 RVHS SUPPLIES 270676 MAINT SUPPLIES	09/10/2020 09/15/2020	21369833 PO-210107 21370350 PO-210045	75.14 363.12	N N
014071 RIO VISTA BEACON PO BOX 726 BRENTWOOD, CA 94513  (925) 550-7811	30.00	98900 HR ADS	09/29/2020	21372452 PV-210159	30.00	N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607  ( 0) - 0	556.08	DO WASTE DHW WASTE SERVICE	09/10/2020 09/17/2020	21369850 PV-210116 21370751 PV-210133	123.64 432.44	N N
000589 RISO PRODUCTS OF SACRAMENTO 3304 MONIER CIRCLE SUITE 110 RANCHO CORDOVA, CA 95742  (916) 638-7476	150.00	207148 ISLE RISO CONTRACT	09/17/2020	21370752 PV-210134	150.00	N RPSI ENTERPRIS
010670 RIVERVIEW-INTERNATIONAL TRUCKS 2445 EVERGREEN AVE P.O. BOX 716 WEST SACRAMENTO, CA 95691  ( ) -	922.94	61671 TRANS SUPPLIES	09/10/2020	21369834 PO-210055	922.94	7 Y

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012796 ROSSI, MARCY 128 N SECOND STREET RIO VISTA, CA 94571	138.96	RMS SUPPLIES	09/17/2020	21370744 PO-210136	65.00	N
		RMS SUPPLIES	09/29/2020	21372441 PO-210136	22.19	N
		RMS SUPPLIES	09/29/2020	21372441 PO-210136	29.59	N
		RMS SUPPLIES	09/29/2020	21372441 PO-210136	22.18	N
( 0) - 0 N						
014510 RSD TOTAL CONTROL 10170 CROYDON WAY SACRAMENTO, CA 95827	75.21	40317436 MAINT SUPPLIES	09/10/2020	21369835 PO-210089	75.21	N
(916) 369-0203 N						
014568 RUSSELL, KEITH 2435 ST. MORITZ DRIVE LODI, CA 95242	500.00	RVHS SUPPLIES	09/24/2020	21371921 PO-210401	500.00	N
( 0) - 0 N						
000095 S M U D P.O. BOX 15555 SACRAMENTO, CA 95852	7,258.86	BATES	09/03/2020	21369055 PV-210102	28.59	N
		WG ELECT	09/10/2020	21369853 PV-210117	2,870.72	N
		WG ELECT	09/10/2020	21369853 PV-210117	872.03	N
		WG ELECT	09/10/2020	21369853 PV-210117	27.34	N
		BATES ELECT	09/10/2020	21369853 PV-210117	2,812.89	N
		BATES ELECT	09/10/2020	21369853 PV-210117	513.02	N
		TRANS ELECT	09/10/2020	21369853 PV-210117	78.34	N
		TRANS ELECT	09/10/2020	21369853 PV-210117	27.34	N
		BATES	09/29/2020	21372453 PV-210157	28.59	N
( 0) - 0 N						
014411 SAMMIS, MICHAEL 6300 HOLSTEIN WAY SACRAMENTO, CA 95831	22.95	STALEDATE 99339736	09/22/2020	21371304 TC-210008	22.95	N
( 0) - 0 N						
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942	1,500.87	308103571179 RMS SUPPLIES	09/03/2020	21369043 PO-210137	466.65	N
		308103571179 RMS SUPPLIES	09/03/2020	21369043 PO-210137	311.09	N
		208125698701 RMS SUPPLIES	09/03/2020	21369043 PO-210139	290.61	N
		208125698701 RMS SUPPLIES	09/03/2020	21369043 PO-210139	193.74	N
		208125913659 DHS SUPPLIES	09/10/2020	21369836 PO-210246	93.97	N
( 0) - 0 N						

308103597240	BATES SUPPLIES	09/15/2020	21370351	PO-210121	83.22	N
308103638543	DHS SUPPLIES	09/29/2020	21372442	PO-210246	61.59	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000316 SCHOOLS INSURANCE AUTHORITY P.O. BOX 276710 SACRAMENTO, CA 95827-6710	10,048.50	WCADJ2020-024 WC 19/20 EAP 092021.14 EMP ASST PROGRAM EAP 092021.14 EMP ASST PROGRAM	ADJUST 09/15/2020 09/17/2020 09/17/2020	21370365 PV-210126 21370753 PV-210135 21370753 PV-210135	9,331.00 351.57 365.93	N N N
( 0) - 0						N
013193 SCOE P.O. BOX 269003 10474 MATHER BLVD SACRAMENTO, CA 95826	258.60	210524 BUS OFF NON WINDOW ENVP	09/01/2020	21368740 PO-210259	258.60	N
( 0) - 0						N
014524 SHRED IT PO BOX 101007 PASADENA, CA 91189-1007	123.23	8180341228 DO SHREDDING	09/03/2020	21369056 PV-210103	123.23	N
( 0) - 0						N
012013 SIERRA CHEMICAL COMPANY 788 NORTHPORT DRIVE WEST SACRAMENTO, CA 95691	290.16	132422 MAINT SUPPLIES	09/29/2020	21372429 PO-210082	290.16	N
(916) 371-5943						N
015098 SLP TOOL KIT 136 W. MAIN ST SUITE 101 MESA, AZ 85201	430.00	2338 ED SV SUBSCPTION SFTWR	09/22/2020	21371284 PO-210377	430.00	N
( 0) - 0						N
014085 SMALL SCHOOL DISTRICTS ASSOC. 925 L STREET SUITE 1200 SACRAMENTO, CA 95814	25.00	17-03075 SUPT SUMMIT WORKSHOP	09/29/2020	21372430 PO-210433	25.00	N
(916) 444-9335						N



3455748116	DHW SUPPLIES	09/15/2020	21370352	PO-210258	13.97	N
3455748113	DHW SUPPLIES	09/15/2020	21370352	PO-210258	8.75	N
3454381862	DHW SUPPLIES	09/15/2020	21370352	PO-210258	226.34	N
3454381863	DHW SUPPLIES	09/15/2020	21370352	PO-210258	21.28	N
3455748118	DHW SUPPLIES	09/15/2020	21370352	PO-210258	47.70	N
3455748115	DHW SUPPLIES	09/15/2020	21370352	PO-210258	79.99	N
3454775221	RDHS SUPPLIES	09/15/2020	21370352	PO-210263	25.51	N



Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
014069 STAPLES ADVANTA (Continued...)		3455748119 RDHS SUPPLIES	09/15/2020	21370352	PO-210263	25.72	N
		3454224987 RDHS SUPPLIES	09/15/2020	21370352	PO-210263	54.05	N
		3453840461 WIND RIVER SUPPLIES	09/15/2020	21370357	PO-210266	55.37	N
		3456284391 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.08-	N
		3455940433 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.39	N
		3456284392 F5 SUPPLIES	09/17/2020	21370745	PO-210354	2.38	N
		3456284390 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.13-	N
		3456284395 F5 SUPPLIES	09/17/2020	21370745	PO-210354	42.88	N
		3456284390 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.13	N
		3455940433 F5 SUPPLIES	09/17/2020	21370745	PO-210354	113.44	N
		3455940435 F5 SUPPLIES	09/17/2020	21370745	PO-210354	38.21	N
		3456284390 F5 SUPPLIES	09/17/2020	21370745	PO-210354	37.70	N
		3455940434 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.52-	N
		3455940434 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.52	N
		3455940433 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.39-	N
		3456284402 F5 SUPPLIES	09/17/2020	21370745	PO-210354	110.96	N
		3455940435 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.13	N
		3456284393 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.01-	N
		3456284391 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.08	N
		3456284400 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.05-	N
		3456284400 F5 SUPPLIES	09/17/2020	21370745	PO-210354	13.35	N
		3456284402 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.39-	N
		3456284402 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.39	N
		3455940434 F5 SUPPLIES	09/17/2020	21370745	PO-210354	150.38	N
		3456284395 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.15	N
		3456284400 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.05	N
		3455940435 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.13-	N
		3456284391 F5 SUPPLIES	09/17/2020	21370745	PO-210354	22.72	N
		3456284394 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.16-	N
		3456284394 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.16	N
		3456284394 F5 SUPPLIES	09/17/2020	21370745	PO-210354	47.14	N
		3456284393 F5 SUPPLIES	09/17/2020	21370745	PO-210354	2.45	N
		3456284393 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.01	N
		3456284392 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.01-	N
		3456284392 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.01	N
		3456284395 F5 SUPPLIES	09/17/2020	21370745	PO-210354	.15-	N
		3454301281 BUS OFF SUPPLIES	09/22/2020	21371293	PO-210012	64.05	N
		3453779009 BUS OFF SUPPLIES	09/22/2020	21371293	PO-210012	46.12	N
		3452404508 ED SV SUPPLIES	09/22/2020	21371293	PO-210040	21.61	N
		3456630836 ED SV SUPPLIES	09/22/2020	21371293	PO-210040	36.85	N
		3454301282 ED SV SUPPLIES	09/22/2020	21371293	PO-210040	53.32	N
		3453779010 ED SV SUPPLIES	09/22/2020	21371293	PO-210040	28.44	N
		3452257078 MAINT SUPPLIES	09/22/2020	21371293	PO-210067	174.94	N
		3457053271 MAINT SUPPLIES	09/22/2020	21371293	PO-210067	.24	N

3457053271	MAINT SUPPLIES	09/22/2020	21371293	PO-210067	68.08	N
3457053271	MAINT SUPPLIES	09/22/2020	21371293	PO-210067	.24-	N
3452257078	MAINT SUPPLIES	09/22/2020	21371293	PO-210067	.61-	N
3452257078	MAINT SUPPLIES	09/22/2020	21371293	PO-210067	.61	N
3452404509	DO COPY PAPER	09/22/2020	21371285	PO-210197	211.24	N
3452404509	DO COPY PAPER	09/22/2020	21371285	PO-210197	428.05	N
3452404509	DO COPY PAPER	09/22/2020	21371285	PO-210197	46.33	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014069 STAPLES ADVANTA (Continued...)		3452404509 DO COPY PAPER	09/22/2020	21371285 PO-210197	46.33	N
		3452404509 DO COPY PAPER	09/22/2020	21371285 PO-210197	46.33	N
		3453334137 WG SUPPLIES	09/22/2020	21371293 PO-210200	.26	N
		3453334137 WG SUPPLIES	09/22/2020	21371293 PO-210200	.26	N
		3453334137 WG SUPPLIES	09/22/2020	21371293 PO-210200	75.19	N
		3453334136 WG SUPPLIES	09/22/2020	21371293 PO-210200	2.14	N
		3453334136 WG SUPPLIES	09/22/2020	21371293 PO-210200	2.14	N
		3453334136 WG SUPPLIES	09/22/2020	21371293 PO-210200	615.99	N
		3456513019 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.12	N
		3456513018 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.08	N
		3456513018 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.08	N
		3456284396 F5 SUPPLIES	09/22/2020	21371293 PO-210354	52.74	N
		3456513019 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.12	N
		3456513017 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.13	N
		3456284396 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.18	N
		3456513017 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.13	N
		3456513019 F5 SUPPLIES	09/22/2020	21371293 PO-210354	34.03	N
		3456284397 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.05	N
		3456284397 F5 SUPPLIES	09/22/2020	21371293 PO-210354	13.77	N
		3456284398 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.05	N
		3456513018 F5 SUPPLIES	09/22/2020	21371293 PO-210354	22.08	N
		3456284398 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.05	N
		3456284398 F5 SUPPLIES	09/22/2020	21371293 PO-210354	13.77	N
		3456284399 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.18	N
		3456513017 F5 SUPPLIES	09/22/2020	21371293 PO-210354	38.77	N
		3456284399 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.18	N
		3456284399 F5 SUPPLIES	09/22/2020	21371293 PO-210354	51.70	N
		3456284401 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.10	N
		3456284401 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.10	N
		3456284397 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.05	N
		3456284396 F5 SUPPLIES	09/22/2020	21371293 PO-210354	.18	N
		3456284401 F5 SUPPLIES	09/22/2020	21371293 PO-210354	28.54	N
		3454909359 RDHS SUPPLIES	09/24/2020	21371930 PO-210263	33.50	N
		3454301283 WIND RIVER CREDIT	09/24/2020	21371932 PO-210266	15.43	N
		3453779011 WIND RIVER SUPPLIES	09/24/2020	21371932 PO-210266	44.31	N
		3454301283 WIND RIVER SUPPLIES	09/24/2020	21371932 PO-210266	15.43	N
		3454144777 DHW SUPPLIES	09/24/2020	21371930 PO-210277	11.23	N
		3454301285 DHW SUPPLIES	09/24/2020	21371930 PO-210277	125.85	N
		3454301286 DHW SUPPLIES	09/24/2020	21371930 PO-210277	1.11	N
		3455940436 SP ED SUPPLIES	09/24/2020	21371930 PO-210368	9.35	N
		3456701213 ED SV SUPPLIES	09/24/2020	21371930 PO-210402	1,612.45	N
		3456701212 ED SV SUPPLIES	09/24/2020	21371930 PO-210402	32.64	N
		3456701214 ED SV SUPPLIES	09/24/2020	21371930 PO-210402	246.42	N
		3456834547 ED SV SUPPLIES	09/24/2020	21371930 PO-210402	518.98	N

3454909358	RDHS SUPPLIES	09/29/2020	21372443	PO-210263	60.83	N
3457192339	WIND RIVER SUPPLIES	09/29/2020	21372444	PO-210266	62.40	N
3454909360	ED SV SUPPLIES	09/29/2020	21372431	PO-210348	308.55	N
3543453077	ASP SUPPLIES	09/29/2020	21372454	PV-210158	3.79	N
3543453077	ASP SUPPLIES	09/29/2020	21372454	PV-210158	3.79	N
3453453076	ASP SUPPLIES	09/29/2020	21372454	PV-210158	424.36	N
3453453076	ASP SUPPLIES	09/29/2020	21372454	PV-210158	1.48	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014069 STAPLES ADVANTA (Continued...)		3453453076 ASP SUPPLIES	09/29/2020	21372454 PV-210158	1.48	N
		3543453077 ASP SUPPLIES	09/29/2020	21372454 PV-210158	1,087.70	N
003646 STATE OF CALIFORNIA 1300 I STREET SUITE 810 SACRAMENTO, CA 95814  ( 0) - 0 N	209.00	466205 FINGERPRINTING	09/17/2020	21370755 PV-210136	209.00	N
000096 STEWART INDUSTRIAL SUPPLY INC 608 HWY 12 RIO VISTA, CA 94571  (707) 374-5567 N	821.27	23100 TRANS SUPPLIES	09/15/2020	21370353 PO-210046	821.27	N
011477 THE COLLEGE BOARD P.O. BOX 910506 DALLAS, TX 75391-0506  (800) 323-7155 N	175.00	DHS WALDMAN REGISTRATION	09/24/2020	21371922 PO-210434	175.00	N
014873 TPX COMMUNICATIONS PO BOX 509013 SAN DIEGO, CA 92150-9013  (877) 487-2877 N	2,903.58	RVHS LD	09/17/2020	21370756 PV-210137	1,292.54	N
		DHS LD	09/17/2020	21370756 PV-210137	1,259.78	N
		DO LD	09/17/2020	21370756 PV-210137	351.26	N
012694 U.S. BANK 221 SOUTH FIGUEROA ST, STE 210 LM-CA-F2TC LOS ANGELES, CA 90012  ( 0) - 0 N	11,048.07	SEPTEMBER 2020 GASB 75	09/24/2020	21371935 PV-210148	11,048.07	N
013488 UC REGENTS UNIVERSITY OF CALIFORNIA DAVIS PO BOX 989062	1,000.00	DHS A DUENAS RAMIREZ SCHLRSHP	09/24/2020	21371923 PO-210430	1,000.00	N

WEST SACRAMENTO, CA 95798-9062

(530) 752-3646

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328	645.12	DO SHIPPING	09/03/2020	21369057 PV-210104	229.80	N
		DO SHIPPING	09/03/2020	21369057 PV-210104	143.37	N
		DO SHIPPING	09/17/2020	21370757 PV-210138	87.99	N
		DO SHIPPING	09/17/2020	21370757 PV-210138	131.20	N
( 0) - 0 N		DO SHIPPING	09/22/2020	21371300 PV-210144	52.76	N
013419 US BANK NATIONAL ASSOCIATION 1310 MADRID ST SUITE 101 MARSHALL, MN 56258	570.83	423888940 DHW LEASE	09/22/2020	21371294 PO-210278	570.83	N
(800) 328-5371 N						
013997 VERIZON WIRELESS ONE VERIZON PLACE ALPHARETTA, GA 30004	9,428.37	MAINT	09/01/2020	21368742 PV-210090	305.64	7
		DO SFTY	09/01/2020	21368742 PV-210090	.53	7
		DHS CUST	09/01/2020	21368742 PV-210090	101.88	7
		RVHS ADMIN	09/01/2020	21368742 PV-210090	152.82	7
( ) - Y VERIZON WIRELE		WG CUST	09/01/2020	21368742 PV-210090	50.94	7
		RMS CUST	09/01/2020	21368742 PV-210090	50.94	7
		RMS ADMIN	09/01/2020	21368742 PV-210090	60.94	7
		BATES ADMIN	09/01/2020	21368742 PV-210090	50.94	7
		ISLE ADMIN	09/01/2020	21368742 PV-210090	50.94	7
		DHW ADMIN	09/01/2020	21368742 PV-210090	50.94	7
		ED SV	09/01/2020	21368742 PV-210090	101.88	7
		ED SV	09/01/2020	21368742 PV-210090	120.74	7
		BATES CUST	09/01/2020	21368742 PV-210090	101.88	7
		NURSES	09/01/2020	21368742 PV-210090	101.88	7
		RVHS CUST	09/01/2020	21368742 PV-210090	203.76	7
		ISLE CUST	09/01/2020	21368742 PV-210090	50.94	7
		COUNSELORS	09/01/2020	21368742 PV-210090	241.78	7
		WG SFTY	09/01/2020	21368742 PV-210090	.53	7
		DHW CUST	09/01/2020	21368742 PV-210090	101.88	7
		RMS SFTY	09/01/2020	21368742 PV-210090	.53	7
		SP ED	09/01/2020	21368742 PV-210090	225.86	7
		ASP	09/01/2020	21368742 PV-210090	67.91	7
		ASP	09/01/2020	21368742 PV-210090	67.92	7
		ASP	09/01/2020	21368742 PV-210090	67.92	7
		DHW SFTY	09/01/2020	21368742 PV-210090	.53	7
		DW HOTSPOTS	09/01/2020	21368742 PV-210090	1,942.08	7
		TRANS	09/01/2020	21368742 PV-210090	152.80	7
		DHS SFTY	09/01/2020	21368742 PV-210090	.53	7
		ISLE SFTY	09/01/2020	21368742 PV-210090	.53	7

GARDINERS	09/01/2020	21368742	PV-210090	101.88	7
OPERATIONS	09/01/2020	21368742	PV-210090	20.38	7
RVHS SFTY	09/01/2020	21368742	PV-210090	50.94	7
CMS CUST	09/01/2020	21368742	PV-210090	123.99	7
DHS ADMIN	09/01/2020	21368742	PV-210090	50.94	7
TRANS	09/01/2020	21368742	PV-210090	564.89	7
MAINT	09/24/2020	21371936	PV-210149	305.64	7



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
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013997 VERIZON WIRELES (Continued...)		RMS ADMIN	09/24/2020	21371936 PV-210149	60.94	7
		BATES ADMIN	09/24/2020	21371936 PV-210149	50.94	7
		SP ED	09/24/2020	21371936 PV-210149	152.82	7
		ASP	09/24/2020	21371936 PV-210149	67.91	7
		ASP	09/24/2020	21371936 PV-210149	67.92	7
		ASP	09/24/2020	21371936 PV-210149	67.92	7
		CTF CREDITS (HOTSPOTS)	09/24/2020	21371936 PV-210149	990.78	7
		HOTSPOTS	09/24/2020	21371936 PV-210149	2,015.32	7
		TRANS	09/24/2020	21371936 PV-210149	154.08	7
		TRANS	09/24/2020	21371936 PV-210149	523.72	7
		ED SV	09/24/2020	21371936 PV-210149	101.88	7
		COUNSELORS	09/24/2020	21371936 PV-210149	152.82	7
		RVHS SFTY	09/24/2020	21371936 PV-210149	50.94	7
		DHS SFTY	09/24/2020	21371936 PV-210149	.53	7
		ISLE SFTY	09/24/2020	21371936 PV-210149	.53	7
		DHW SFTY	09/24/2020	21371936 PV-210149	.53	7
		RMS SFTY	09/24/2020	21371936 PV-210149	.53	7
		WG SFTY	09/24/2020	21371936 PV-210149	.53	7
		DO SFTY	09/24/2020	21371936 PV-210149	.53	7
		RVHS CUST	09/24/2020	21371936 PV-210149	203.76	7
		DHS CUST	09/24/2020	21371936 PV-210149	101.88	7
		ISLE CUST	09/24/2020	21371936 PV-210149	50.94	7
		DHW CUST	09/24/2020	21371936 PV-210149	101.88	7
		RMS CUST	09/24/2020	21371936 PV-210149	58.77	7
		WG CUST	09/24/2020	21371936 PV-210149	50.94	7
		BATES CUST	09/24/2020	21371936 PV-210149	101.88	7
		CMS CUST	09/24/2020	21371936 PV-210149	50.94	7
		GARDENERS	09/24/2020	21371936 PV-210149	101.88	7
		OPERATIONS	09/24/2020	21371936 PV-210149	20.38	7
		ED SV	09/24/2020	21371936 PV-210149	50.94	7
		NURSE	09/24/2020	21371936 PV-210149	101.88	7
		RVHS ADMIN	09/24/2020	21371936 PV-210149	152.82	7
		DHS ADMIN	09/24/2020	21371936 PV-210149	50.94	7
		ISLE ADMIN	09/24/2020	21371936 PV-210149	50.94	7
		DHW ADMIN	09/24/2020	21371936 PV-210149	50.94	7
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014978 WALLACE, STACY	1,287.63	ISLE SUPPLIES	09/22/2020	21371295 PO-210236	628.78	N
1266 IVY WAY		ISLE SUPPLIES	09/22/2020	21371295 PO-210236	658.85	N
MANTECA, CA 95336						
(714) 305-0061		N				
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Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
010906 WASTE MANAGEMENT OF WOODLAND P.O. BOX 78251 PHOENIX, AZ 85062-8251	1,779.68	DHS WASTE DHS WASTE	09/10/2020 09/10/2020	21369854 21369854	PV-210118 PV-210118	800.58 979.10	N N
( 0) - 0							N
000490 WILCO SUPPLY 1973 DAVID ST SAN LEANDRO, CA 94577	395.34	9184183 MAINT SUPPLIES 13112 MAINT SUPPLIES	09/10/2020 09/15/2020	21369839 21370354	PO-210090 PO-210090	347.34 48.00	N N
(800) 745-5450							N
012528 WILLIAMS SCOTSMAN INC 4911 ALLISON PARKWAY VACAVILLE, CA 95688	3,747.84	RVHS PORTABLE RMS PORTABLE RMS PORTABLE DHW PORTABLE	09/01/2020 09/01/2020 09/01/2020 09/01/2020	21368743 21368743 21368743 21368743	PV-210092 PV-210092 PV-210092 PV-210092	936.96 936.96 936.96 936.96	N N N N
(707) 451-3000							N
014049 WILSON ARCHITECTURE INC 609 15TH STREET MODESTO, CA 95354	730.00	20200729 DHW INST PORTABLES 20200729 DHW INST PORTABLES	09/01/2020 09/01/2020	21368744 21368744	PV-210091 PV-210091	365.00 365.00	N N
( 0) - 0							N
014450 WIZIX 4777 BENNETT DRIVE SUITE D LIVERMORE, CA 94551	2,281.16	169319/173865 WG PRINT COSTS 169320/173713 F5 PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173006 DO PRINT COSTS 173270/173269 BATES PRNT CSTS	09/03/2020 09/10/2020	21369047 21369047 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369058 21369840	PO-210204 PO-210270 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PV-210105 PO-210125	193.53 192.90 43.79 53.43 119.05 295.41 .16 46.38 40.36 126.61 .46 34.85 103.73 123.72 92.76 45.40	N N
(916) 913-6191		N WIZIX TECHNOLO					N

168746/168745 BATES PRNT CSTS	09/10/2020	21369840	PO-210125	5.23	N
173713 F5 PRINTER COSTS	09/15/2020	21370355	PO-210270	130.25	N
176463 DO PRINTER COSTS	09/22/2020	21371301	PV-210145	26.24	N
176463 DO PRINTER COSTS	09/22/2020	21371301	PV-210145	32.00	N
176463 DO PRINTER COSTS	09/22/2020	21371301	PV-210145	33.12	N
176463 DO PRINTER COSTS	09/22/2020	21371301	PV-210145	.89	N
176463 DO PRINTER COSTS	09/22/2020	21371301	PV-210145	.01	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014450 WIZIX (Continued...)		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	67.10	N
		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	113.99	N
		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	14.20	N
		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	18.73	N
		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	77.14	N
		176463 DO PRINTER COSTS	09/22/2020	21371301 PV-210145	228.36	N
		176478 BATES PRINT COSTS	09/24/2020	21371931 PO-210125	21.36	N
-----						
014388 WPS PUBLISH	498.13	337008 SP ED ONLINE FORMS	09/10/2020	21369817 PO-210346	8.78-	N
625 ALASKA AVENUE		337008 SP ED ONLINE FORMS	09/10/2020	21369817 PO-210346	8.78	N
TORRANCE, CA 90503-5124		337008 SP ED ONLINE FORMS	09/10/2020	21369817 PO-210346	108.00	N
		337124 SP ED BOOKS	09/10/2020	21369817 PO-210347	5.61-	N
(800) 648-8857 N		337124 SP ED BOOKS	09/10/2020	21369817 PO-210347	5.61	N
		337124 SP ED BOOKS	09/10/2020	21369817 PO-210347	69.00	N
		339396 SP ED SUPPLIES	09/17/2020	21370739 PO-210370	321.13	N
-----						
003308 WRIGHT, KATHERINE	26.99	SUPT SUPPLIES	09/10/2020	21369841 PO-210017	26.99	N
400 SOUTH FRONT STREET						
RIO VISTA, CA 94571						
( 0) - 0 N						
District total:	826,293.00					
Report total:	826,293.00					

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments:   X  

From: Ken Gaston, Director of MOT

Item Number: 10.4

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the emergency purchase of a 45' Articulating Boom, at a cost of \$22,890.07.

**BACKGROUND:**

D.H. White Elementary School had a 60-foot-tall tree split in half becoming a hazard for classrooms, playground, fencing and the school office near the tree. It was necessary to have the tree immediately removed for the safety of staff members and the building structure. District staff could not safely complete the removal with existing equipment.

**STATUS:**

An emergency purchase of an articulating boom was essential to safely remove the tree before it caused damage to the structure of the building or causing injury to staff members.

This piece of equipment will benefit the District in regular maintenance projects as well providing a cost savings for the District by not hiring outside vendors for many routine projects such as painting, trimming trees, changing lighting fixtures districtwide.

**PRESENTER:**

Ken Gaston, Director of MOT

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

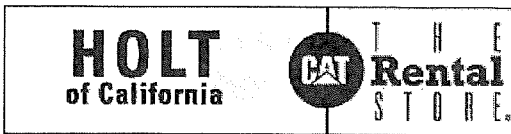
**COST AND FUNDING SOURCES:**

\$22,890.07 from Maintenance Funds.

**RECOMMENDATION:**

That the Board receives this information and approves the emergency purchase of the articulating boom.

Time allocated: 5 minutes



P.O. BOX 100001  
 SACRAMENTO, CA 95813  
 PHONE:(877)379-6620 FAX: (916)991-8268  
 WWW.HOLTCA.COM

**SALES INVOICE**  
**REFERENCE V6009301**

INVOICE DATE: 09/29/2020  
 INVOICE AMOUNT: \$22,890.07  
 PO #: 210452  
 ORDERED BY: KEN GASTON  
 707-430-1334  
 JOBSITE INFO: RIO VISTA HIGH  
 410 S 4TH ST  
 RIO VISTA, CA  
 RIO VISTA HIGH SCHOOL

34 1 SP 0.500 E0034X I0062 D6662514209 S2 P7718453 0001:0001

CONTACT NAME: KEN GASTON  
 CONTACT PHONE: 707-430-1334

CUSTOMER #: 002263  
 RIVER DELTA SCHOOL DISTRICT  
 445 MONTEZUMA ST  
 RIO VISTA, CA 94571 1699

WRITTEN BY: TODD LYON  
 SALES REP: HENRY BARKER  
 LOCATION/PHONE: VACAVILLE/(707) 455-7600

**CARB REGULATIONS** When operated in California, any on-road heavy-duty diesel vehicle, alternative-diesel vehicle, off-road diesel vehicle, or portable diesel engine may be subject to the California Air Resources Board's Regulation to Reduce Particulate Matter and Criteria Pollutant Emissions from In-Use Heavy-Duty Diesel Vehicles, In-Use Off-Road Diesel Vehicle Regulation, or Airborne Toxic Control Measure For Diesel Particulate Matter From Portable Engines Rated At 50 Horsepower And Greater. It therefore could be subject to retrofit, exhaust retrofit, or accelerated turnover requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board websites at <https://www.arb.ca.gov/dieseltruck>, <https://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>, or <https://www.arb.ca.gov/portable/portable.htm>.

**QTY DESCRIPTION TOTALS**

Sales Items		TOTALS
1	ID NO: CRS06-461 SERIAL NO: Z452506-29704 BOOM 45' KNUCKLE DSL - BOOM Z45  ANSI - 4/9/19 - CAMERON	21,000.00

**Sales Subtotal: 21,000.00**

Miscellaneous Items		TOTALS
1	DELIVERY CHARGES	170.00
	STATE 7.25% COUNTY 0.125% CITY 0.75%	1,720.07

CHECK TO PAY  
 PARTIAL PAYMENT  
 ORDER RETURNED FOR CREDIT  
 P.O. #  
 DATE 10-6-2020  
 BY [Signature]

**Invoice Total 22,890.07**

Please Remit Payment To: Holt of California, PO Box 100001, Sacramento, CA 95813

TERMS OF PAYMENT: NET 10 for all equipment purchases and rental transactions; DUE ON THE 10th OF THE MONTH FOLLOWING THE INVOICE DATE for all parts and service transactions. A FINANCE CHARGE OF 1.5% per month will be applied to all past due invoices. In the event the account becomes delinquent, the customer will pay the costs of collection including reasonable accrued attorney fees and court costs incurred by Holt of California in collecting any indebtedness of customer to Holt of California.

DISCLAIMER OF WARRANTIES/WAIVER OF DAMAGES. OTHER THAN MANUFACTURERS WARRANTIES DESCRIBED ABOVE, THE GOODS SOLD UNDER THIS AGREEMENT ARE PURCHASED BY CUSTOMER FROM HOLT OF CALIFORNIA (HOLT) AS-IS, WHERE-IS, WITHOUT WARRANTY EXPRESS OR IMPLIED, INCLUDING WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Customer acknowledges that it has selected the Goods on the basis of its own judgment and expressly disclaims any reliance upon any statements or representations made by Holt. Holt shall not be responsible to Customer for loss of use, loss of profits, or any other consequential damages. Holt's liability, if any, whether arising in contract, tort, or otherwise, shall be limited to the aggregate price of the Goods paid.

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments:   X  

From: Sharon Silva, Chief Business Officer

Item Number:  10.5 

Type of item: (Action, Consent Action or Information Only): \_\_\_\_\_ Consent \_\_\_\_\_

**SUBJECT:**

Request to approve the purchase of the Barracuda hardware and the 60-month subscription of Barracuda Essential Security Service at a cost of \$35,110.66

**BACKGROUND:**

Our current Barracuda email security system is a piece of hardware that is around six years old. Barracuda has informed us that the poor performance (freezing) issues we are having is due to the lack of resources in older hardware. Older units do not have the resources to handle today's email or even to load the newer spam and virus definitions files.

**STATUS:**

The Barracuda that's proposed allows the District to be "future proof" as when it becomes time to upgrade the mail server (this happens about every 5-7 years), the new Barracuda integrates into it very easily. Another benefit of the Barracuda proposed, is when the internet goes down in the district (due to power outages etc.) the mail will "spool" (collect in the cloud) and then distribute when the internet access has returned. As of right now when the internet goes down and someone outside the district attempts to email staff, the email gets rejected.

**PRESENTER:**

Sharon Silva, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Not applicable

**COST AND FUNDING SOURCES:**

General Fund

**RECOMMENDATION:**

That the Board approves the purchase of the Barracuda hardware and a 60-month subscription of Barracuda Essential Security at a cost not to exceed \$35,110.66.

Time allocated: 3 minutes

QUOTE FOR

## RDUSD - New Barracuda

Prepared for:

River Delta USD  
445 Montezuma St.  
Rio Vista, 94571  
Sharon Silva

Prepared by:

Datapath  
Orion Potts  
(209) 568-6227  
opotts@mydatapath.com

Quote Information:

Quote # 016903  
Version: 1  
Delivery Date: 09/25/2020  
Expiration Date: 10/21/2020

Barracuda - 1 Year

\* Optional

	Price	Qty	Ext. Price
Barracuda Essentials Security Service Subscription 12 Month Term, 403 Users Includes approximately 4 hours of professional services.	\$8,688.54	1	\$8,688.54

\* Optional Subtotal: \$8,688.54

Barracuda - 3 Year Option

\* Optional

	Price	Qty	Ext. Price
Barracuda Essentials Security Service Subscription 36 Month Term, 403 Users Includes approximately 4 hours of professional services.	\$22,567.63	1	\$22,567.63

\* Optional Subtotal: \$22,567.63

Barracuda - 5 Year Option Option

\* Optional

	Price	Qty	Ext. Price
Barracuda Essentials Security Service Subscription 60 Month Term, 403 Users Includes approximately 4 hours of professional services.	\$35,110.66	1	\$35,110.66

\* Optional Subtotal: \$35,110.66

\*Optional Expenses

	One-Time
Barracuda - 1 Year	\$8,688.54
Barracuda - 3 Year Option	\$22,567.63
Barracuda - 5 Year Option Option	\$35,110.66

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.



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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Nicole Latimer, Chief Educational Services Officer

Item Number: 10.6

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the contract with Document Tracking Services for the 2020-2021 school year at a cost not to exceed \$4,650.

**BACKGROUND:**

RDUSD has utilized Illuminate Education (SchoolCity) for the last 11 years for our Student Accountability Report Cards (SARCs) and our Single Plans for Student Achievement (SPSA) templates. Illuminate Education no longer provides this service. The district would like to contract with Document Tracking Services. Document Tracking Services streamlines the way template-based documents are updated, published and is used for a variety of school and district reports including the SARCS and SPSA. The 2019-2020 contract with Illuminate Education was \$8,800. The 2020-2021 Document Tracking Services contract is \$4,650.

**STATUS:**

We would like to use Document Tracking Services for our SARC and SPSA templates for the 2020-2021 school year.

**PRESENTER:** Nicole Latimer, Chief Educational Services Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:** Not to exceed \$4,650 from Educational Services funding

**RECOMMENDATION:**

That the Board approve the contract with Document Tracking Services for the 2020-2021 school year at a cost not to exceed \$4,650.

Time allocated:    minutes



October 7, 2020

River Delta Unified School District  
445 Montezuma Street  
Rio Vista, CA 94571

Re: Document Tracking Services

**INVOICE #9457101**

Pursuant to the licensing agreement between River Delta Unified School District and Document Tracking Services (DTS):

**Document Tracking Services**

Document Tracking Services [10/15/20 to 10/15/21]: \$3,000  
11 schools and District Personnel = 12 sites  
License Agreement includes up to 5 documents

**Template Setup (one-time fee)**

2020 School Accountability Report Card - English (CDE Template): \$0  
2020 School Accountability Report Card - Spanish (CDE Template): \$0  
2020 School Plan for Student Achievement (CDE Template): \$0  
2020 Comprehensive School Safety Plan (Custom Template): \$0  
2020 Local Control Accountability Plan (CDE Template): \$0

**Data Transfer (one-time fee)**

From MS Word into Document Tracking Services: \$0

**Translation Services**

2020 Spanish School Accountability Report Card: \$1,650  
\$150 x 11 School Accountability Report Cards

**Total Balance Due: \$4,650**

**Please Make Checks Payable To: Document Tracking Services**

**Send to:**

Aaron Tarazon, Director  
Document Tracking Services  
10225 Barnes Canyon Road, Suite A200  
San Diego, CA 92121  
858-784-0960 - Phone  
858-587-4640 - Corporate Fax

Thank you!

\_\_\_\_\_  
Approved Per Payment (Signature)

\_\_\_\_\_  
Name/Role (Printed)



## LICENSING AGREEMENT

This Agreement effective **October 15, 2020**, is made and entered into by **River Delta Unified School District** as Licensee and Document Tracking Services (DTS) as Licensor each a "Party" and collectively the "Parties".

Licensee desires that DTS provide a license to use DTS proprietary web-based application in accordance with the following provisions:

- A. License. DTS hereby grants to Licensee a non-exclusive license to use DTS application in order to create, edit, update, print and track specific documents as described in Exhibit **A** of this agreement.
  - (i) DTS retains all rights, title and interest in DTS application and any registered trademarks associated with the license.
  - (ii) Licensee retains all rights, title and interest in the documents as described in Exhibit **A** of this agreement.
- B. Internet Areas. All parties including third party licensees shall not be permitted to establish any "pointers" or links between the Online Area and any other area on or outside of the DTS login without the prior written approval.
- C. Term of License. The term of the Agreement is for **one (1) year** from the effective date (as noted in paragraph one) of the license agreement.
- D. Personnel. DTS will assign the appropriate personnel to represent DTS in all aspects of the license including but not limited to account set up and customer license inquiries.
- E. Content. DTS will be solely responsible for loading the content supplied by Licensee into DTS secure server and provide complete access to Licensee and its representatives.
- F. Security of Data. DTS at all times will have complete security of Licensee documents on dedicated servers that only authorized DTS personnel will have access to; all login by DTS authorized will be stored and saved as to time of log-in and log-out.
  - (i) Licensee may request DTS to only store Licensee documents for the period of time that allows Licensee and its authorized personnel to create, edit and update their documents.
- G. Management of Database. DTS shall allow Licensee to review, edit, create, update and otherwise manage all content of Licensee available through the Secure Login of DTS.
- H. Customer License. DTS shall respond promptly and professionally to questions, comments, complaints and other reasonable requests regarding any aspect of DTS application by Licensee. DTS business hours are Monday-Friday 8AM PST to 5PM PST except for national/state holidays.



- I. License Fee. Licensee shall pay a fee of **\$3,000**.
- J. Document Set Up Fee. The one-time set up fee for documents as described in Exhibit A and made a part of this Agreement is **\$0**.
- K. Payment Terms. Licensee shall pay the annual licensing fee upon execution of the Agreement between parties and the electronic submittal of the invoice to Licensee.
- L. Number of Documents. The maximum number of documents per school district is limited to **five (5)**.
- M. Warranty. Licensee represents and warrants that all information provided to DTS, including but not limited to narratives, editorials, information regarding schools, is owned by Licensee and Licensee has the right to use and allow use by DTS as called for hereunder and that no copyrights, trademark rights or intellectual property rights of any nature of any third party will be infringed by the intended use thereof. In the event any claim is brought against DTS based on an alleged violation of the rights warranted herein, Licensee agrees to indemnify and hold DTS harmless from all such claims, including attorney fees and costs incurred by DTS in defending such claims.
- N. Definitions.
  - (i) Document. A document is defined as **a)** a specific template provided by CDE or; **b)** any specific word document or forms that have different fields or school references such as elementary, middle or high schools\* submitted by District or CDE; or **c)** individual inserts submitted by District or CDE that are integrated into existing documents or are offered as supplemental and/or addendums to other report documents.
    - \* Licensee submits a SPSA template for their elementary, middle and high schools, which is counted as three (3) separate documents.
  - (ii) Customized Documents. Any document that is not a standard CDE template is considered a custom document and as such may be subject to additional setup fees; DTS shall provide an estimated cost of these additional fees prior to the execution of this agreement.
- O. Document Setup Fee. DTS will charge a one-time setup fee of \$200 per standard document up to a maximum of \$850 for customized documents.
- P. Additional Fees. Licensee shall pay additional fees if Licensee exceeds the number of documents as described in section L of this agreement. The fee for each additional document is \$39 per document times the number of schools in the district. The fee shall be payable within thirty (30) days from DTS invoice.
- Q. Additional Services. DTS can also provide Data Transfer and Document Translation services to Licensee for an additional fee. The fee for each additional service would be agreed upon between the parties and invoiced at the time the services were requested. The fee shall be payable within thirty (30) days from DTS invoice.



The Parties hereto have executed this Agreement as of the Effective Date.

Document Tracking Services, LLC

By: Aaron Tarazon, Director  
Document Tracking Services  
10225 Barnes Canyon Road, Suite A200  
San Diego, CA 92121  
858-784-0960 - Phone  
858-587-4640 - Corporate Fax

Date: October 7, 2020

Licensee

By: \_\_\_\_\_

Date: \_\_\_\_\_

River Delta Unified School District



### **Exhibit A**

The following are standard documents to be used in conjunction with the license.

1. 2020 School Accountability Report Card, English & Spanish (CDE Template)
2. 2020 School Plan for Student Achievement (CDE Template)
3. 2020 Comprehensive School Safety Plan (Custom Template)
4. 2020 Local Control and Accountability Plan (CDE Template)
5. Others to be identified as needed.

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Tom Anderson, Director of Special Education

Item Number: 10.7

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the Independent Contract for Services Agreement with Maxim Staffing Solutions to provide nursing services, guidance and assistance for implementing the practices and procedures in the RDUSD Health and Safety Plan for the 2020-2021 school year at a cost not to exceed \$25,000

**BACKGROUND:**

Maxim Staffing Solutions has provided Licensed Vocational Nurses (LVN) for our district for several years. The 2018-2019 contract was \$85,000. The 2020-2021 contract is not to exceed \$25,000.

**STATUS:**

Due to COVID, we would like Maxim Staffing Solutions to provide LVN nursing services, guidance and assistance for implementing the practices and procedures in the RDUSD Health and Safety Plan for the 2020-2021 school year.

**PRESENTER:** Tom Anderson, Director of Special Education

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:** Not to exceed \$25,000 from Coronavirus Aid, Relief and Economic Security (CARES) Act Funds

**RECOMMENDATION:**

That the Board approve the Independent Contract for Services Agreement with Maxim Staffing Solutions for the 2020-2021 school year at a cost not to exceed \$25,000.

Time allocated: 2 minutes



# RIVER DELTA UNIFIED SCHOOL DISTRICT

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

## INDEPENDENT CONTRACT FOR SERVICES AGREEMENT

THIS AGREEMENT is entered into by and between the River Delta Unified School District hereinafter referred to as "DISTRICT," and Maxim Staffing Solutions hereinafter referred to as "CONSULTANT."

IT IS HEREBY MUTUALLY AGREED that Consultant will provide services under the following terms and conditions and the terms of this agreement shall supersede any conflicting provision in a contract provided by the Consultant which may be attached to this agreement. Consultant acknowledges and agrees that performance on this Agreement shall be subject to availability of District funds.

1. **TERM:** The term of this agreement is from October 14, 2020 through June 30, 2021. Extension or renewal requires approval of DISTRICT Superintendent or authorized representative. Unless compensation is fixed on the basis of a daily or hourly rate, compensation will not be increased upon extension of the agreement without approval of the DISTRICT Superintendent or authorized representative. It is the right of the District to contact references, perform background checks, and/or audit data security procedures of the Consultant.

This agreement may be terminated at the convenience of either party upon 30 days advance written notice to the other party. In the event of termination, CONSULTANT shall immediately suspend any further performance of services pursuant to this agreement, except as otherwise authorized by the DISTRICT in writing, and Consultant shall be compensated only for services provided up through the date of termination.

**CONSULTANT SERVICES:** CONSULTANT agrees to perform, during the term of this agreement, the tasks, obligations and services detailed as follows (extra pages may be added but must be identified as part of this paragraph): to provide nursing services, guidance and assistance for implementing the practices and procedures in the RDUSD Health and Safety Plan

**PAYMENT FOR SERVICES:** CONSULTANT shall receive compensation at the rate of:  
\$47.00 per hour for a total cost not to exceed \$25,000.

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

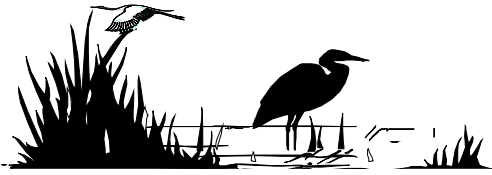
2. **RECORDS:** CONSULTANT will maintain full and accurate records in connection with this agreement and will make them available to DISTRICT for inspection at any time. The District maintains the right to monitor the performance of Consultant and may require consultant to submit appropriate reports including but not limited to financial reports, audit reports, and/or internal control reports as determined by the District. In addition, the Consultant understands and agrees that Consultant's work product shall be subject disclosure in accordance with the Public Records Act (Gov. Code §§ 6250 *et seq.*).

*Creating Excellence To Ensure That All Students Learn*

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







# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street

Rio Vista, California 94571-1651

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

<http://riverdelta.org>

## HOLD HARMLESS & INDEMNIFICATION AGREEMENT

To the fullest extent permitted by law, Maxim Staffing Solutions, (Contractor/Consultant) agrees to defend, indemnify, hold harmless and waive all rights of subrogation against River Delta Joint Unified School District, its Board of Trustees, officers, agents and employees (collectively the "District") from and against any and all claims, costs, demands, expenses (including attorney's fees), losses, damages, injuries and liabilities, whether active or passive, arising from any death or injury negligently caused by the Contractor/Consultant to any person or tangible property because of, arising out of, or in any way related to the Contract/Consultant's performance of this Agreement, except that Contractor/Consultant shall not be liable to defend, indemnify or hold harmless the District for the negligent or intentional acts of the District. It is understood and agreed that such indemnity shall survive the termination of this agreement. Contractor/Consultant shall maintain their own contractual liability insurance to cover its obligations under this Agreement. This indemnification is independent of and shall not in any way be limited by insurance carried by the Contractor/Consultant.

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

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

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

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Typed/Printed Name of Authorized Representative

\_\_\_\_\_  
Company Name

Address, Email & Phone: \_\_\_\_\_  
\_\_\_\_\_

By SY of AALRR

*Creating Excellence To Ensure That All Students Learn*

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

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

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

From: Katherine Wright, Superintendent

Item Number: 10.8

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Donations

**BACKGROUND:**

Donations to Receive and Acknowledge:

**Assessment and Counseling Center at D.H White Elementary School**

Mr. and Mrs. Conklin - \$6,000

**Rio Vista High School – Class of 1970 donations towards the  
Gymnasium Scoreboard**

Karen Maxwell

Blaine and Sylvia Hutson

Kathleen Korth

Emmett and Elizabeth Morrell

Michael and Cathy Palumbo

Michael and Jane Grassel

L. Del Chiaro

David and Logan Santos

Delfina McMillan

Joanna Fonseca Haston

**Riverview Middle School**

Beth Brockhouse - \$153.84

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

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

Time allocated: 3 minutes

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 11

Type of item: (Action, Consent Action or Information Only): Action

**SUBJECT:**

Request to approve the second and final reading of the updated or new Board Policies, Administrative Regulation and or Exhibits due to new legislation or mandated language and citation revisions as of July 2020.

**BACKGROUND:**

Changes in legislation and amendments to laws lead to necessary/mandated changes in District Board Policies, Administrative Regulations and Exhibits.

These Board Policies, Administrative Regulations and Exhibits was submitted for a first reading at the September 8, 2020 Board meeting.

**STATUS:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to July 2020 which need to be approved for second reading and adoption by the Board of Trustees.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the second and final reading and adopts these Board Policies, Administrative Regulations and Exhibits as submitted resulting from legislation effective prior to July 2020.

Time allocated: 3 minutes

## CSBA POLICY GUIDE SHEET July 2020

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.

### **Board Policy 3555 - Nutrition Program Compliance**

Policy updated to reflect **NEW STATE REGULATIONS** (Register 2020, No. 21) which provide that complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses should be submitted directly to the California Department of Education (CDE), and complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability should be submitted to the U.S. Department of Agriculture (USDA). Complaints regarding other program requirements or other bases for discrimination are to be investigated and resolved at the district level. Policy also deletes the USDA nondiscrimination statement that must be included on all forms of communication regarding program availability, which is now presented in the accompanying exhibit.

### **NEW - Exhibit 3555 - Nutrition Program Compliance**

New exhibit presents the USDA statement, formerly in BP 3555, which must be included on all forms of communication available to the public regarding the availability of child nutrition programs in order to advise the public of the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints against the district.

### **Administrative Regulation 4030 - Nondiscrimination in Employment**

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.

### **Board Policy 4119.11/4219.11/4319.11 - Sexual Harassment**

Policy updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator pursuant to federal regulations, and responsibility assigned to Title IX Coordinator to receive complaints and determine the appropriate complaint procedure to use.

### **Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment**

Regulation updated to reflect **NEW LAW (SB 778, 2019)** which (1) requires a district with five or more employees to provide two hours of sexual harassment training to supervisory employees and one hour of sexual harassment training to nonsupervisory employees by January 1, 2021 and every two years thereafter, and (2) requires new nonsupervisory employees and employees promoted to supervisory positions to receive the training within six months of hire or promotion. Regulation also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require the district to designate a Title IX Coordinator and disseminate the Coordinator's contact information.

### **NEW - Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures**

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the requirement to offer supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

**Board Policy 5141.22 - Infectious Diseases**

Policy reflects **NEW LAW (AB 262, 2019)** which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.

**Administrative Regulation 5141.22 - Infectious Diseases**

Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's Science Safety Handbook pertaining to experiments involving human blood sampling.

**Administrative Regulation 5145.3 - Nondiscrimination/Harassment**

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.

**Board Policy 5145.6 - Parental Notifications**

Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.

**Exhibit 5145.6 - Parental Notifications**

Exhibit updated to reflect **NEW LAW (SB 74, 2020)** which extends the suspension of certain mandated activities through the 2020-21 school year; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect **NEW LAW (SB 1109, 2018)** which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect **NEW LAW (AB 2370, 2018)** which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.

**Board Policy 5145.7 - Sexual Harassment**

Policy updated to include examples of actions to reinforce the district's sexual harassment policy, consistent with **NEW LAW (AB 34, 2019)** which requires posting the sexual harassment policy on the district's web site and **NEW LAW (AB 543, 2019)** which requires displaying a poster and providing the sexual harassment policy in student orientations. Policy also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator throughout policy pursuant to federal regulations.

**Administrative Regulation 5145.7 - Sexual Harassment**

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which amend the process for resolving complaints of sexual harassment, including, but not limited to, requirements to designate a Title IX Coordinator and disseminate the Coordinator's contact information. Regulation also reflects **NEW LAW (AB 543, 2019)** which requires the district to create a poster notifying students of the district's sexual harassment policy and to display the poster in specified locations, and requires the district to provide a copy of the policy to students as part of any orientation program for new and continuing students. Regulation reflects **NEW LAW (AB 34, 2019)** which requires the district to post the district's sexual harassment policy and the definition of sexual harassment in a prominent location on the district's web site.

**NEW - Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures**

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the offer of supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

**Board Policy 6142.7 - Physical Education and Activity**

Policy updated to add statement on equal access and equal opportunities for participation in physical education regardless of gender, gender expression, sexual orientation, and mental or physical disability, as included in CDE's Federal Program Monitoring instrument. Policy also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children, clarifies credential requirements for teachers of physical education, and reflects the requirement that students who have been granted a permanent exemption from physical education must still be offered physical education courses of at least 400 minutes each 10 school days.

**Administrative Regulation 6142.7 - Physical Education and Activity**

Regulation updated to reflect **NEW LAW (SB 75, 2019)** which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. Regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical fitness test coordinator as described in state regulations.

**Board Policy 6159 - Individualized Education Program**

Policy updated to include the requirement, formerly in BP/AR 0430 - Comprehensive Local Plan for Special Education, to provide a free appropriate public education (FAPE) to students who have been suspended or expelled from school or who are placed by the district in a nonpublic, nonsectarian school. Policy adds the requirement to provide FAPE to individuals age 18-21 who are incarcerated in an adult correctional facility if they had been identified as students with disabilities or had an individualized education program (IEP) in their prior educational placement. Paragraph on the rights of foster parents moved to AR.

**Administrative Regulation 6159 - Individualized Education Program**

Regulation updates the section on "Contents of the IEP" to consolidate lists of IEP requirements for clarity. Regulation reflects **NEW LAW (SB 98, 2020)** which requires the IEP to describe the means by which the IEP will be provided under emergency conditions in which instruction and/or services cannot be provided to the student at school or in person for more than 10 school days. Regulation also reflects **NEW LAW (AB 947, 2019)** which (1) authorizes districts to consider elements of the "expanded core curriculum," as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired, and (2) establishes requirements for orientation and mobility evaluations conducted for such students. Regulation also reflects **NEW LAW (AB 605, 2019)** which requires districts to provide assistive technology devices for use in a student's home or other setting when required by the student's IEP, and requires that such students be given continued access to assistive technology devices for up to two months after transferring out of the district. Section on "Parent/Guardian Consent for Provision of Special Education and Services" revised to more directly reflect law.

**Board Policy 6159.1 - Procedural Safeguards for Special Education**

Policy updated to encourage early, informal resolution of any dispute regarding special education services. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities in Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

**Administrative Regulation 6159.1 - Procedural Safeguards for Special Education**

Regulation updated to clarify that due process complaints should be filed with the state Office of Administrative Hearings and that such complaints must generally be filed within two years of the date the parent/guardian or district knew or should have known about the alleged violation. Regulation also adds new section on "State Compliance Complaints" reflecting **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

**Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education**

Policy updated to include the provision of nonpublic, nonsectarian school and agency (NPS/A) services in the comprehensive local plan of the Special Education Local Plan Area. Policy reflects **NEW LAW (AB 1172, 2019)** which requires districts to verify that the NPS/A provides staff training in the use of practices and interventions specific to the unique behavioral needs of the student population at the NPS/A. Policy also reflects the requirement for the district to pay the full amount of the school's tuition or, as amended by AB 1172, the fees for the agency. Legal cite for Education Code 56366.3 deleted as it has been repealed.

**Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education**

Regulation updated to include the maximum term of the master contract between the district and NPS/A, expand the components of the contract in accordance with state law and regulations, and include the ability to terminate the contract for cause with 20 days' notice. Regulation also provides more detail regarding the annual IEP review focused on NPS/A students. New section on "On-Site Visits" reflects **NEW LAW (AB 1172, 2019)** which (1) requires the district to conduct an on-site visit of an NPS/A the first time the district places a student at that NPS/A, and (2) requires the district to annually conduct an on-site monitoring visit to review the services provided to the student, the facilities, and the student's progress.



# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3555(a)

## NUTRITION PROGRAM COMPLIANCE

Note: The following policy is **mandated required** for any district whose child nutrition programs (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. **During the California Department of Education's (CDE) Administrative Review of the district's child nutrition programs, CDE will review whether the district has a written procedure that complies with requirements pertaining to civil rights and nondiscrimination.** 5 CCR 4621 **mandates** that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 **Uniform Complaint Procedures.**

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, **nationality**, national origin, **immigration status**, ethnic group **identification, ethnicity**, age, religion, marital **or parental** status, **pregnancy, parental status, physical or mental** disability, **medical condition**, sex, sexual orientation, gender, gender identity, **or gender** expression, or genetic information; **a perception of one or more of such characteristics**; or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities. **7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or U.S. Department of Agriculture, Food and Nutrition Service.**

**The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and the U.S. Department of Agriculture's (USDA) FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities,** provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate **against him/her** on any basis prohibited by law.

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

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

*(cf. 3552 - Summer Meal Program)*

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

*(cf. 5030 - Student Wellness)*

### **Compliance** Coordinator

Note: According to **the** CDE's **Civil Rights and Complaint Procedures for the Child Nutrition Programs**, districts are required to appoint a **civil rights** coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

**NUTRITION PROGRAM COMPLIANCE** (continued)

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, as the district's civil rights coordinator to ensure compliance with the laws governing its-the district's nutrition programs, and to investigate any related complaints.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's <u>Civil Rights and Complaint Procedures for the Child Nutrition Programs</u> .
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The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the civil rights compliance coordinator, to the California Department of Education (CDE) and other interested parties

*(cf. 6164.6 - Identification and Education Under Section 504)*

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.
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The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

*(cf. 6159 - Individualized Education Program)*

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

## NUTRITION PROGRAM COMPLIANCE (continued)

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, **and working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary**

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

**When requesting such information, districts should be careful to not request any information in regard to the immigration status of students or their family members and, if such information is inadvertently received, to not disclose it to immigration enforcement authorities without parental consent, a court order, or judicial subpoena. See AR 5145.13 - Response to Immigration Enforcement.**

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

*(cf. 5022 - Students and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

***(cf. 5145.13 - Response to Immigration Enforcement)***

### Notifications

**The compliance coordinator shall ensure that t**he U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service **shall be is** displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

## NUTRITION PROGRAM COMPLIANCE (continued)

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

The **compliance** coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their **program** rights and responsibilities and steps necessary **for participation to participate in the nutrition programs**. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, **FNS USDA** requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. **FNS USDA** provides specific language for the notification and prohibits its modification in any way. **The required language is available on USDA's web site and in the accompanying exhibit.** ~~The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.~~

In addition, **the compliance coordinator shall ensure that** all forms of communication available to the public regarding program availability shall contain, in a prominent location, **the following statement: a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.**

~~"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.~~

~~Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.~~

~~To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a~~

## NUTRITION PROGRAM COMPLIANCE (continued)

letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) — mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) — fax: (202) 690-7442; or

(3) — email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

**This institution is an equal opportunity provider."**

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude **menus items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical.** The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, **stating "This institution is an equal opportunity provider," as provided by USDA,** may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

### Complaints of Discrimination

**Note: 5 CCR 4610, as amended by Register 2020, No. 21, reduces the applicability of the district's uniform complaint procedures (UCP) for complaints regarding child nutrition programs. 5 CCR 15582, as added by Register 2020, No. 21, requires allegations of discrimination based on race, color, national origin, sex, age, or disability to be referred to USDA. Complaints of discrimination on any other basis are addressed through the district's UCP; see BP/AR 1312.3 - Uniform Complaint Procedures.**

**For information about compliance complaints, see the section below on "Complaints Regarding Noncompliance with Program Requirements."**

**When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following**

**NUTRITION PROGRAM COMPLIANCE (continued)**

**agencies:—A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)**

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, **deaf, hard of hearing, or speech disabilities**), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email [program.intake.usda.gov](mailto:program.intake.usda.gov).~~

**Any eComplaints concerning the district's nutrition programs of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.**

*(cf. 1312.3 - Uniform Complaint Procedures)*

~~When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:~~

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email [program.intake.usda.gov](mailto:program.intake.usda.gov).~~

**Complaints Regarding Noncompliance with Program Requirements**

**Note: 5 CCR 15580-15584, as added by Register 2020, No. 21, require complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses to be referred to CDE. During the investigation, the complainant will have the opportunity to present information or evidence to support the allegations, and the district will have the opportunity to respond to the complaint. The district may also be subject to an on-site investigation, which may be unannounced. CDE's written decision will be issued within 90 days of receipt of the complaint.**

**Complaints regarding noncompliance with other nutrition program requirements are addressed locally as described below.**

**NUTRITION PROGRAM COMPLIANCE (continued)**

**Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)**

**Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.**

**Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)**

- 1. A statement that the district has violated a law or regulation relating to its child nutrition program**
- 2. The facts on which the statement is based**
- 3. The name of the district or the school against which the allegations are made**
- 4. The complainant's contact information**
- 5. The name of the student if alleging violations regarding a specific student**

<p><b>Note: Pursuant to 5 CCR 15583, as added by Register 2020, No. 21, districts are required to investigate and issue a written report within the 60-day timeline provided within 5 CCR 4631, and the complainant may appeal the district's report to CDE within the 30-day timeframe provided within 5 CCR 4632.</b></p>
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**The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)**

**Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)**

**NUTRITION PROGRAM COMPLIANCE (continued)**

**Note: The following paragraph is for use by all districts.**

**If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)**

*Legal Reference: (see next page)*



**NUTRITION PROGRAM COMPLIANCE (continued)***Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

**42238.01 Definitions for purposes of funding**

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

**15580-15584 Child nutrition programs complaint procedures**UNITED STATES CODE, TITLE 201400-1482 Individuals with Disabilities ~~in~~ Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

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-2000h-6 Title IX~~

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7**210.19 National School Lunch Program, additional responsibilities**

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

**220.13 School Breakfast Program, special responsibilities of state agencies**

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring **and assistance****225.11 Summer Food Service Program, corrective action procedures****226.6 Child and Adult Care Food Program, state agency administrative responsibilities****250.15 Out-of-condition donated foods, food recalls, and complaints**CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 **Nondiscrimination on the basis of disability, public accommodations, ~~Aa~~ auxiliary aids and services**CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

*Management Resources: (see next page)*

**NUTRITION PROGRAM COMPLIANCE (continued)**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018~~rev. November 2015~~

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

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

Notice of Non-Discrimination, August 2010

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

(7/10 7/16) 7/20

# CSBA Sample Exhibit

Business and Noninstructional Operations

E 3555(a)

## NUTRITION PROGRAM COMPLIANCE

### **NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS**

Note: As part of its instructions to all recipients of federal funds for child nutrition programs, FNS the U.S. Department of Agriculture (USDA) requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS The following exhibit presents provides specific language provided by USDA for the notification, which must not be modified in any way. and prohibits its modification in any way. The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

**The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the district's child nutrition programs:**

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer> [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

**NUTRITION PROGRAM COMPLIANCE (continued)**

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

"This institution is an equal opportunity provider."

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the district may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

# CSBA Sample Administrative Regulation

All Personnel

AR 4030(a)

## NONDISCRIMINATION IN EMPLOYMENT

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4032 - Reasonable Accommodation)*

Note: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.

**34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. The Title IX Coordinator may be the same person designated below, or the district may designate different employees to serve these functions. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures; see section on "Complaint Procedure" below.**

## **NONDISCRIMINATION IN EMPLOYMENT (continued)**

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Director of Personnel  
445 Montezuma Street  
Rio Vista, CA 94571  
(707) 374-1700  
HR@rdusd.org

### **Measures to Prevent Discrimination**

Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.

In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

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

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*  
*(cf. 4111/4211/4311 - Recruitment and Selection)*

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending a copy via email with an acknowledgment return form
  - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy

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

4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

Note: <b>Optional</b> item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment. Pursuant to Government Code 12950.1, as amended by SB
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**NONDISCRIMINATION IN EMPLOYMENT** (continued)

778 (Ch. 215, Statutes of 2019), any district that has five or more employees must provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2021 and once every two years thereafter.

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

**Complaint Procedure**

Note: 2 CCR 11023 **mandates** that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.



**NONDISCRIMINATION IN EMPLOYMENT** (continued)

While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

**In lieu of using the procedures described below, complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, Title IX sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.**

**Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.**

Any **other** complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

## **NONDISCRIMINATION IN EMPLOYMENT** (continued)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

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

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 9321 - Closed Session)*

**Other Remedies**

Note: Items #1-3 below state the time limits within which complaints must be filed.

EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: As amended by AB 9 (Ch. 709, Statutes of 2019), Government Code 12960 extends the period of time in which a complaint alleging employment discrimination pursuant to Government Code 12940-12952 may be filed with DFEH, from one year to three years following the alleged discriminatory act(s). That period may be extended under certain circumstances. Districts should consult legal counsel if any questions arise.

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

**NONDISCRIMINATION IN EMPLOYMENT (continued)**

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

(3/19 12/19) 7/20

# CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

**Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.**

Note: Education Code 231.5, **2 CCR 11023, and 34 CFR 106.8** 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, 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 (20 USC 1681-1688; **34 CFR 106.1-106.82**), as well as the California Fair Employment and Housing Act (Government Code 12900-12996). **Whether a complaint of sexual harassment is addressed through federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or procedures adopted pursuant to 2 CCR 11023 is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.**

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may **also** 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.

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

## SEXUAL HARASSMENT (continued)

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

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

*(cf. 4030 - Nondiscrimination in Employment)*

**Note: Government Code 12940 clarifies that sexual harassment includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions.**

Sexual harassment includes, but is not limited to, harassment that is based on the **sex**, gender, gender identity, gender expression, or sexual orientation of the victim **and harassment based on pregnancy, childbirth, or related medical conditions.**

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

~~Note: In addition to district 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 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 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.

## SEXUAL HARASSMENT (continued)

Pursuant to Government Code 12950.1, **as amended by SB 778 (Ch. 215, Statutes of 2019)**, employers with **50 five** or more employees are required to provide ~~two hours of~~ sexual harassment training to supervisory **and nonsupervisory** 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 employees and others to whom the policy may apply

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

3. Ensuring prompt, thorough, **and fair, and equitable** 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 Reports and Complaints

Note: Pursuant to 2 CCR 11034, 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 to instruct supervisors to report complaints. **34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate**

## SEXUAL HARASSMENT (continued)

its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not unreasonable in light of the known circumstances and in compliance with Title IX regulations. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, the district should train all employees regarding the reporting process.

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.

Any district employees 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, a district administrator, or the district's Title IX Coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. An employee may bypass his/her supervisor in filing a complaint where if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

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.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)*



## 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)

Note: In addition to district 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).

Upon investigation of a sexual harassment complaint, any district employee who is found to have engaged or participated in sexual harassment or who aids, abets, incites, compels, or coerces to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy is shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

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

### 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

Legal Reference continued: (see next page)

## SEXUAL HARASSMENT (continued)

### *Legal Reference: (continued)*

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX ~~prohibition against discrimination~~ **of the Education Amendments of 1972**

#### UNITED STATES CODE, TITLE 42

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

#### CODE OF FEDERAL REGULATIONS, TITLE 34

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

106.51-~~106.64~~ **106.82** Nondiscrimination on the basis of sex in employment in education programs or activities

#### COURT DECISIONS

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

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

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

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

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

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

### *Management Resources:*

#### U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

#### WEB SITES

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

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

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

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

# CSBA Sample Administrative Regulation

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

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, 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** **The following** 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.

## **Title IX Coordinator**

**Note:** Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions.

**The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:**

Superintendent or designee  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
Superintendent@rdsd.org

## SEXUAL HARASSMENT (continued)

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

**The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)**

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

### **Definitions- Prohibited Conduct**

Note: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30, as added by 85 Fed. Reg. 30026, requires investigation and resolution through Title IX regulations; see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291)

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

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, regardless of whether or not the conduct is motivated by sexual desire. **Conduct is considered to be sexual harassment when** made against another person of the same or opposite sex in the work or educational setting **when under any of the following conditions:** (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.

**SEXUAL HARASSMENT** (continued)

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.

**3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.**

~~3.4.~~ 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.~~

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

## SEXUAL HARASSMENT (continued)

### 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. 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 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.

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: Government Code 12950.1, as amended by SB 778 (Ch. 215, Statutes of 2019), requires districts with 50 five or more employees to provide two hours of sexual harassment training and education to supervisory and nonsupervisory employees by January 1, 2021 (or two years after a training provided in 2019) and once every two years thereafter. 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. As amended, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all 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.

## SEXUAL HARASSMENT (continued)

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. 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, **and nonsupervisory employees receive at least one hour**, of classroom or other effective interactive training and education regarding sexual harassment. All ~~such~~ newly hired **employees and** ~~or promoted~~ employees **promoted to a supervisory position** shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

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

*(cf. 4300 - Administrative and Supervisory Personnel)*

**Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)**

~~Note: Government Code 12950.1 and 2 CCR 11024 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 (continued)

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~~ **concerning** 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. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. **Strategies to prevent harassment in the workplace**
- 3.5. ~~A supervisor's~~ **Supervisors'** obligation to report sexual harassment, discrimination, and retaliation of which he/she ~~they~~ 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~~
6. 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
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. **Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint**



## SEXUAL HARASSMENT (continued)

### 10. What to do if the supervisor is personally accused of harassment

- 5.11. 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

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

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).

- 8.12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

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.

**SEXUAL HARASSMENT** (continued)

**The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)**

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

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment **and a poster regarding the rights of transgender employees.** ~~This document is~~ **These documents are** available on DFEH's web site.

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

**SEXUAL HARASSMENT** (continued)

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

All Personnel

AR 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

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

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment in employment that does not meet this definition should be addressed through the district's complaint procedures described in AR 4030 - Nondiscrimination in Employment.

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

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Also see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

**All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.**

*(cf. 4030 - Nondiscrimination in Employment)*

**A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.**

**Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.**

**Note:** Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

**Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.**

**A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)**

**Supportive Measures**

**Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)**

**Emergency Removal**

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

**Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.**

**34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.**

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

**Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Formal Complaint Process**

**If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)**

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

**If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.**

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

**Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.**

**The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.**



**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

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

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

**During the investigation process, the district shall: (34 CFR 106.45)**

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence**
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence**
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney**
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties**
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate**
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report**
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response**
  
- 9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party**

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

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

**Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.**

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

**Written Decision**

**Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.**

**The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)**

**Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.**

**The written decision shall be issued within 45 calendar days of the receipt of the complaint.**

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

**Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.**

**In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)**

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

- 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30**
- 2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process**
- 3. Findings of fact supporting the determination**
- 4. Conclusions regarding the application of the district's code of conduct to the facts**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

- 5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant**
- 6. The district's procedures and permissible bases for the complainant and respondent to appeal**

**Appeals**

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

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

**Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)**

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

## TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

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

### Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

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

### Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

*(cf. 3580 - District Records)*

**Legal Reference:**

**EDUCATION CODE**

200-262.4 *Prohibition of discrimination on the basis of sex*

48900 *Grounds for suspension or expulsion*

48900.2 *Additional grounds for suspension or expulsion; sexual harassment*

48985 *Notices, report, statements and records in primary language*

**CIVIL CODE**

51.9 *Liability for sexual harassment; business, service and professional relationships*

1714.1 *Liability of parents/guardians for willful misconduct of minor*

**GOVERNMENT CODE**

12950.1 *Sexual harassment training*

**CODE OF REGULATIONS, TITLE 5**

4600-4670 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

**UNITED STATES CODE, TITLE 20**

1092 *Definition of sexual assault*

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

**UNITED STATES CODE, TITLE 34**

12291 *Definition of dating violence, domestic violence, and stalking*

**UNITED STATES CODE, TITLE 42**

1983 *Civil action for deprivation of rights*

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

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

*Legal Reference continued: (see next page)*

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**CODE OF FEDERAL REGULATIONS, TITLE 34**

**99.1-99.67 Family Educational Rights and Privacy**

**106.1-106.82 Nondiscrimination on the basis of sex in education programs**

**COURT DECISIONS**

**Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567**

**Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130**

**Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736**

**Davis v. Monroe County Board of Education, (1999) 526 U.S. 629**

**Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274**

**Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473**

**Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447**

**Management Resources:**

**WEB SITES**

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

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

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

# CSBA Sample Board Policy

Students

BP 5141.22(a)

## INFECTIOUS DISEASES

Note: The following **optional** policy may be modified to reflect district practice.

In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza **including influenza or coronavirus pandemics**. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan. **Also see the U.S. Department of Health and Human Services' School District (K-12) Pandemic Influenza Planning Checklist for components districts may want to consider when developing and updating emergency and disaster preparedness plans.**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing **an appropriate a high-quality** education for all students. **The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.** The Superintendent or designee shall collaborate with **parents/guardians and local and state health agencies and organizations officials** to develop **and regularly update** a comprehensive approach to **plan for** disease prevention that promotes preventative measures, **mitigation, and education, communication, and training** of students and staff. **All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.**

### **Infectious Disease Prevention**

Note: ~~In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan.~~

~~The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures, and education of students and staff.~~

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 0415 - Equity)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*



**INFECTIOUS DISEASES** (continued)

*(cf. 5141.6 - School Health Services)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs **and operations** are based on the most up-to-date information.

The **Superintendent or designee shall ensure that the** district's comprehensive health education program **shall provides age-appropriate** information about the **prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza.** He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff. **nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.**

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.8 - Comprehensive Health Education)*

**Note: Pursuant to Health and Safety Code 120175.5, as added by AB 262 (Ch. 798, Statutes of 2019), local health officers are required to promptly notify and update districts during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, if, in the opinion of the local health officer, action or inaction on the part of the district might affect the outbreak response efforts. Local health officers are also required to make any relevant information available to districts, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that districts should take to assist with outbreak response efforts. The local health officers may issue orders to districts to take any action that the health officers deem necessary to control the spread of the communicable disease.**

**If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)**

**Universal Precautions**

Note: Pursuant to 8 CCR 5193, employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens for a detailed exposure control plan and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. The following **optional section paragraph** addresses the need for students to follow similar procedures.

## INFECTIOUS DISEASES (continued)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 6145.2 - Athletic Competition)*

### Students with Infectious Diseases

Note: In Thomas v. Atascadero Unified School District, a federal court held that **acquired immunodeficiency syndrome (AIDS)** is a disability under Section 504 of the Rehabilitation Act (29 USC 794) and that a student with AIDS cannot be excluded from school without evidence that the student poses a risk of transmission of the **human immunodeficiency virus (HIV)** ~~HIV virus~~ to classmates or teachers. The following paragraph extends this protection to students with any bloodborne pathogen infection. 8 CCR 5193 defines bloodborne pathogens to include the hepatitis C virus in addition to hepatitis B virus and HIV.

See AR ~~5111.2~~ **5112.2** - Exclusion from Attendance for information regarding exclusions, including notification of parents/guardians.

The Superintendent or designee shall exclude students **from on-campus instruction** only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

Note: The following **optional** paragraph encourages parents/guardians to notify the school if their child has an infectious disease so that staff can assist in maintaining the child's health. However, **it's important to note that** the law does **not** require parents/guardians to inform school officials of a student's **HIV/AIDS status medical condition**; thus, a student cannot be penalized because the parent/guardian did not provide such notification.

Both **state and** federal ~~and state~~ law (~~20 USC 1232g and~~ Education Code 49060-49069.7; 20 USC 1232g) require that student health information remain confidential. In the event that a parent/guardian authorizes the district to disclose the fact that the student has an infectious disease, ~~such as the student's HIV status~~, it is recommended that any decision to inform staff should be made by the Superintendent or designee, the student, and ~~his/her family~~ **the student's parent/guardian**, in consultation with district legal counsel.

**INFECTIOUS DISEASES (continued)**

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. **If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak.** The Superintendent or designee shall ensure that student confidentiality **and privacy** rights are strictly observed in accordance with law.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

*Legal Reference:*EDUCATION CODE48210-48216 *Persons excluded***49060-49069.7 Student records**49073-49079 *Privacy of pupil records*49403 *Cooperation in control of communicable disease and immunization of pupils*49405 *Smallpox control*49406 *Examination for tuberculosis (employees)*49408 **Student emergency information of use in emergencies**49602 **Counseling and c**Confidentiality of student information51202 *Instruction in personal and public health and safety*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CIVIL CODE56-56.37 *Confidentiality of Medical Information Act*1798-~~1798.76~~ **1798.78** *Information Practices Act*HEALTH AND SAFETY CODE**120175.5 Local health officers and communicable diseases**120230 *Exclusion for communicable disease*120325-120380 *Immunization against communicable diseases*120875-120895 *AIDS information*120975-~~121022~~ **121023** *Mandated blood testing and confidentiality to protect public health*121475-121520 *Tuberculosis tests for pupils students*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CODE OF REGULATIONS, TITLE 85193 ~~California bB~~ **bloodborne pathogens standard**CODE OF REGULATIONS, TITLE 172500-2511 *Communicable disease reporting requirements*UNITED STATES CODE, TITLE 201232g *Family Educational and Privacy Rights Act*1400-1482 *Individuals with Disabilities Education Act*

*Legal Reference: (see next page)*

**INFECTIOUS DISEASES (continued)**

*Legal Reference: (continued)*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 ~~Health Insurance Portability and Accountability Act (HIPAA)~~ **Privacy of individually identifiable health information**

COURT DECISIONS

*Thomas v. Atascadero Unified School District, (1987 1986) 662 F.Supp. 376*

*Management Resources:*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Science Safety Handbook for California Public Schools, 2014**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS**

**School District (K-12) Pandemic Influenza Planning Checklist**

WEB SITES

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

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

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

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

~~U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>~~

(7/99 7/06) 7/20

# CSBA Sample Administrative Regulation

Students

AR 5141.22(a)

## INFECTIOUS DISEASES

Note: The following **optional** administrative regulation may be modified to reflect district practice.

### Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

*(cf. 5113 - Absences and Excuses)*

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

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

*(cf. 6157 - Distance Learning)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.5 - Student Success Teams)*

*(cf. 6173 - Education for Homeless Youth)*

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

*(cf. 6181 - Alternative Schools/Programs of Choice)*

*(cf. 6183 - Home and Hospital Instruction)*

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies

**INFECTIOUS DISEASES (continued)**

**6. Procedures for the cancellation or alteration of extracurricular activities and field trips**

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

**7. Protocols for transportation of students using district vehicles**

*(cf. 3540 - Transportation)*

*(cf. 3543 - Transportation Safety and Emergencies)*

**8. Information on effective hygiene practices**

**9. Provisions for continuing free and reduced-price meal services**

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

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

**10. Processes for protecting students who are at higher risk from the disease**

**11. Programs that enhance a positive school climate and foster the emotional well-being of all students**

*(cf. 5141.5 - Mental Health)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 6164.2 - Guidance/Counseling Services)*

**12. Guidelines for cleaning and sanitization of district facilities and equipment**

*(cf. 3510 - Green School Operations)*

*(cf. 3514.1 - Hazardous Substances)*

**13. Protocols for visitors and outside groups that utilize district facilities**

**14. Staff training**

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

**Universal Precautions in the Classroom**

Note: The following standards are based upon the universal precautions required for use by employees

**INFECTIOUS DISEASES** (continued)

pursuant to 8 CCR 5193 and should be modified to reflect district practice. **See also the California Department of Education's (CDE) Science Safety Handbook for more information about laboratory safety and universal precautions.**

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.

*(cf. 5142 - Safety)*

**Note: CDE's Science Safety Handbook recommends that alternatives to fresh human blood, such as blood that is acquired from a local blood bank that has been tested and found to be free of hepatitis B and human immunodeficiency virus, be utilized for experiments that require blood samples. If the district permits fresh human blood samples from students to be utilized for such purposes, CDE's Science Safety Handbook states that human blood sampling may only occur on a voluntary basis, that the blood draw should be self-administered and performed in a manner consistent with the district's exposure control plan, and that goggles and gloves should be utilized. As students with specified known medical conditions are not permitted to participate, districts should have a process in place which ensures that students with such medical conditions need not share that information with their teacher(s) or other students.**

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
  - a. For finger punctures, students shall use individual sterile lancets **that have engineered sharps injury protection** for finger punctures and shall not reuse them.
  - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
  - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

**INFECTIOUS DISEASES (continued)**

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

***(cf. 5022 - Student and Family Privacy Rights)***

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.93 - Science Instruction)*



# CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

## NONDISCRIMINATION/HARASSMENT

**Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.**

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations **mandate** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs **identifies** the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), **including the investigation and resolution of as the same person designated to investigate and resolve** discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. **Districts may modify the following paragraph to designate separate district employees to serve these functions.** Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

**NONDISCRIMINATION/HARASSMENT** (continued)

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires that the employee designated by the district to coordinate its responsibilities under Title IX be referred to as the Title IX Coordinator. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether the complaint should be appropriately addressed through AR 1312.3 or the federal Title IX complaint procedures pursuant to 34 CFR 106.44-106.45. The Title IX Coordinator may be the same person designated below and in AR 1312.3. See AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, **medical condition**, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Superintendent or designee  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
Superintendent@rdusd.org

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

**NONDISCRIMINATION/HARASSMENT** (continued)

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8, 106.9), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. **For notification requirements specifically pertaining to sexual harassment, see BP/AR 5145.7 - Sexual Harassment.**

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires a district, starting with the 2020-21 school year, to post its nondiscrimination policies on its web site as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

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

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

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post the definitions specified below.

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

**NONDISCRIMINATION/HARASSMENT** (continued)

Note: Education Code 221.61 requires districts and public schools to post on their web sites information related to Title IX (20 USC 1681-1688). Education Code 234.6, as added by AB 34, requires districts, beginning in the 2020-21 school year, to post the Title IX information required pursuant to 221.61 in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a web site may comply by posting the information below on the web site of its county office of education. A school without a web site may comply by posting the information on the web site of the district or county office of education.

4. Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
  - a. The name and contact information of the district's Title IX **e**Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  - c. A description of how to file a complaint of noncompliance under Title IX **in accordance with AR 1312.3 – Uniform Complaint Procedures**, which shall include:
    - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
    - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's website
    - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  - d. A link to the Title IX information included on the California Department of Education's (CDE) website

**NONDISCRIMINATION/HARASSMENT** (continued)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post a link to statewide resources as specified below.

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
6. Provide students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

*(cf. 5145.6 - Parental Notifications)*

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003 [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 or be served by 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 and costs. 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.

**NONDISCRIMINATION/HARASSMENT** (continued)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

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

<p>Note: Item #11 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.</p>
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11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

## **NONDISCRIMINATION/HARASSMENT (continued)**

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

*(cf. 5131.5 - Vandalism and Graffiti)*

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

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

*(cf. 5125 - Student Records)*

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

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

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

*(cf. 5144 - Discipline)*

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

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

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

### **Process for Initiating and Responding to Complaints**

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR

**NONDISCRIMINATION/HARASSMENT** (continued)

35.107), and age (34 CFR 110.25). OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school sponsored or school related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

**Complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Allegations that do not meet this definition should be addressed through the district's UCP. See BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall make a note of the report and encourage notify the student or parent/guardian of the right to file a formal complaint in accordance with to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title



**NONDISCRIMINATION/HARASSMENT** (continued)

**IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.** Once notified verbally or in writing, the **principal or** compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

**Transgender and Gender-Nonconforming Students**

Note: The term "gender identity" is not specifically defined in the Education Code. The following definition is consistent with case law and generally accepted terms within academia, as well as the Resolution Agreement between the Arcadia Unified School District, the U.S. Department of Education Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

*Gender identity* of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Transgender student* means a student whose gender identity is different from the gender assigned at birth.

**NONDISCRIMINATION/HARASSMENT** (continued)

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) **or Title IX sexual harassment procedures (AR 5145.71), as applicable**, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

**NONDISCRIMINATION/HARASSMENT** (continued)

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

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

*(cf. 3580 - District Records)*

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be

**NONDISCRIMINATION/HARASSMENT** (continued)

affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

Note: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Because Education Code 221.5 affords transgender students these rights, districts in California are not impacted by the February 22, 2017 action of the USDOE and U.S. Department of Justice to rescind earlier federal guidance which had indicated that, under Title IX, students must be allowed to use sex-segregated facilities in accordance with their gender identity. In implementing state law, districts may review recommended practices in the USDOE's Office of Elementary and Secondary Education's [Examples of Policies and Emerging Practices for Supporting Transgender Students](#). For more information on the rights of transgender students, see CSBA's [Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination](#).

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

*(cf. 7110 - Facilities Master Plan)*

**NONDISCRIMINATION/HARASSMENT** (continued)

Note: Education Code 49062.5 and 49070, as added and amended by AB 711 (Ch. 179, Statutes of 2019), respectively, require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 5125.3 - Challenging Student Records)*

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

*(cf. 5132 - Dress and Grooming)*

(5/18 5/20) 7/20

# CSBA Sample Board Policy

Students

BP 5145.6(a)

## PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote parental understanding and involvement.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 6020 - Parent Involvement)*

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ **the student's** 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.

Whenever a student enrolls in a district school during the school year, ~~his/her~~ **the student's** 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.

**PARENTAL NOTIFICATIONS** (continued)

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.

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)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, **he/she the employee** shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

*Legal Reference:*EDUCATION CODE

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 234.7 Student protections relating to immigration and citizenship status
- 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
- 310 Language acquisition programs
- 313 Reclassification of English learners, parental consultation
- 313.2 Long-term English learner, notification
- 440 English language proficiency assessment; instruction in English language development
- 8483 Before/after school program; enrollment priorities
- 17288 Building standards for university campuses
- 17611.5-17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35182.5 Advertising in the classroom
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35211 Driver training; district insurance, parent/guardian liability

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)***Legal Reference: (continued)**EDUCATION CODE (continued)*

- 35256 School Accountability Report Card*
- 35258 School Accountability Report Card*
- 35291 Rules for student discipline*
- 37616 Consultation regarding year-round schedule*
- 39831.5 School bus rider rules and information*
- 44050 Employee codes of conduct, employee interactions with students*
- 44808.5 Permission to leave school grounds*
- 46010.1 Notice regarding excuse to obtain confidential medical services*
- 46014 Regulations regarding absences for religious purposes*
- 46600-46611 Interdistrict attendance agreements*
- 48000 Minimum age of admission*
- 48070.5 Promotion or retention of students*
- 48204 Residency requirements*
- 48205 Absence for personal reasons*
- 48206.3 Students with temporary disabilities; individual instruction; definitions*
- 48207-48208 Students with temporary disabilities in hospitals*
- 48213 Prior notice of exclusion from attendance*
- 48216 Immunization*
- 48260.5 Notice regarding truancy*
- 48262 Need for parent conference regarding truancy*
- 48263 Referral to school attendance review board or probation department*
- 48301 Interdistrict transfers*
- ~~48350-48361 Open Enrollment Act~~*
- ~~48354 Option to transfer from school identified under Open Enrollment Act~~*
- ~~48357 Status of application for transfer from school identified under Open Enrollment Act~~*
- 48412 Certificate of proficiency*
- 48432.3 Voluntary enrollment in continuation education*
- 48432.5 Involuntary transfers of students*
- 48850-48859 Education of foster youth and homeless students*
- 48900.1 Parental attendance required after suspension*
- 48904 Liability of parent/guardian for willful student misconduct*
- 48904.3 Withholding grades, diplomas, or transcripts*
- 48906 Notification of release of student to peace officer*
- 48911 Notification in case of suspension*
- 48911.1 Assignment to supervised suspension classroom*
- 48912 Closed sessions; consideration of suspension*
- 48915.1 Expelled students; enrollment in another district*
- 48916 Readmission procedures*
- 48918 Rules governing expulsion procedures*
- 48929 Transfer of student convicted of violent felony or misdemeanor*
- 48980 Required notification at beginning of term*
- 48980.3 Notification of pesticide use*
- 48981 Time and means of notification*
- 48982 Parent signature acknowledging receipt of notice*
- 48983 Contents of notice*
- 48984 Activities prohibited unless notice given*
- 48985 Notices to parents in language other than English*

*Legal Reference continued: (see next page)*



**PARENTAL NOTIFICATIONS (continued)***Legal Reference: (continued)*EDUCATION CODE (continued)

- 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
- 49475 Student athletes; concussions and head injuries
- 49476 Student athletes; opioid fact sheet**
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 ~~Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students~~
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

**1597.16 Licensed child care centers, lead testing**

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

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

~~4702 Student transfer from school identified under Open Enrollment Act~~

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

**7704 Impact Aid; policies and procedures related to children residing on Indian lands**

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

*Legal Reference continued: (see next page)*

## **PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 *Student records, annual notification*

99.30 *Disclosure of personally identifiable information*

99.34 *Student records, disclosure to other educational agencies*

99.37 *Disclosure of directory information*

104.32 *District responsibility to provide free appropriate public education*

104.36 *Procedural safeguards*

104.8 *Nondiscrimination*

106.8 *Notification of contact information for Title IX coordinator*

106.9 *Dissemination of policy, nondiscrimination on basis of sex*

200.48 *Teacher qualifications*

**222.94 *Impact Aid; district responsibilities***

300.300 *Parent consent for special education evaluation*

300.322 *Parent participation in IEP team meetings*

300.502 *Independent educational evaluation of student with disability*

300.503 *Prior written notice regarding identification, evaluation, or placement of student with disability*

300.504 *Procedural safeguards notice for students with disabilities*

300.508 *Due process complaint*

300.530 *Discipline procedures*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 *Asbestos inspections, response actions and post-response actions*

763.93 *Asbestos management plans*

*Management Resources:*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

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

(11/12 3/18) 7/20

# CSBA Sample Exhibit

Students

E 5145.6(a)

## PARENTAL NOTIFICATIONS

**Cautionary Notice:** Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2018 (SB 840, Ch. 29, Statutes of 2018)~~ ~~2019~~ **2020 (SB 74, Ch. 6, Statutes of 2020)** extends the suspension of these requirements through the ~~2018-19~~ **2020-21** fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. Annually</b>			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 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; <b>34 CFR 106.8</b>	AR 5145.7	Copy of sexual harassment policy as related to students; <b>contact information for Title IX coordinator</b>
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, <b>48350-48361</b>	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)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 48980, 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 and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
<b>II. At Specific Times During the Student's Academic Career</b>			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 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	BP 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



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. At Specific Times During the Student's Academic Career</b> (continued)			
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, 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 or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. At Specific Times During the Student's Academic Career</b> (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release <b>student's</b> name, address, and phone number <b>of child</b> to military recruiters without prior written consent
<b>III. When Special Circumstances Occur</b>			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
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 <del>BP 5141.33</del>	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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When 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 student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When 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
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
<b>Annually to parents/guardians of student athletes</b>	<b>Education Code 49476</b>	<b>AR 6145.2</b>	<b>Opioid fact sheet</b>

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
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
<b>When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead</b>	<b>Health and Safety Code 1597.16</b>	<b>AR 5148</b>	<b>The requirement to test the facility, and the results of the test</b>
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When 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 <del>re:</del> <b>regarding</b> excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
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



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
<b>When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children</b>	<b>20 USC 7704; 34 CFR 222.94</b>	<b>AR 3231</b>	<b>Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments</b>
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
<b>When student complains of sexual harassment</b>	<b>34 CFR 106.44, 106.45</b>	<b>AR 5145.7</b>	<b>Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable</b>

**PARENTAL NOTIFICATIONS (continued)**

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur (continued)</b>			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
<b>IV. Special Education Notices</b>			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>IV. Special Education Notices</b> (continued)			
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
<b>V. Classroom Notices</b>			
<b>In each classroom used for license-exempt California State Preschool Program</b>	<b>Education Code 8235.5</b>	<b>AR 1312.3 E 1312.3</b>	<b>Health and safety requirements for preschool programs; where to get complaint form</b>
In each classroom in each school	Education Code <del>8235.5</del> , 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

# CSBA Sample Board Policy

Students

BP 5145.7(a)

## SEXUAL HARASSMENT

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Education Code 231.5 and 34 CFR 106.8 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. **As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.**

~~Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex.~~

**Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX ~~and/or Education Code 220~~, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. ~~In Davis v. Monroe County Board of Education the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in Donovan v. Poway Unified School District based on Education Code 220. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.~~

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

**SEXUAL HARASSMENT (continued)**

the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice.

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under 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 them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

Note: OCR's January 2001 Revised Sexual Harassment Guidance notes that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age.

**SEXUAL HARASSMENT** (continued)

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

It is **also** important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages **any** students who feels that **he/she is they are** being or **has have** been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who **has have** experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact **his/her their** teacher, the principal, **the district's Title IX Coordinator**, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the **principal or a district compliance officer Title IX Coordinator**.

Once notified, the **principal or compliance officer Title IX Coordinator** shall **take the steps to investigate and address the allegation, ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant as specified in the accompanying administrative regulation.**

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

~~(cf. 1312.1 - Complaints Concerning District Employees)~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5131.2 - Bullying)~~

~~(cf. 5137 - Positive School Climate)~~

~~(cf. 5141.4 - Child Abuse Prevention and Reporting)~~

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)~~

~~(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)~~

Note: **Government Code 12950.1** requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. **Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019),** requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

**Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019),** requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

**SEXUAL HARASSMENT** (continued)

Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Pursuant to 34 CFR 106.8, the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall ~~take appropriate actions to reinforce~~ **inform students and parents/guardians of** the district's sexual harassment policy **by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.**

**Instruction/Information**

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

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

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while **he/she is** away from school without permission may be reluctant to file a complaint if **he/she the student** believes ~~that he/she may be~~ disciplined **will be imposed** for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

**SEXUAL HARASSMENT** (continued)

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and **prompt** action shall be taken to **stop any respond to** harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will **take interim implement supportive** measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation **and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment**

*Complaint Process and Disciplinary Actions*

Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedures for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

*(cf. 1312.3 Uniform Complaint Procedures)*

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to



## SEXUAL HARASSMENT (continued)

participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

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

*(cf. 5144 - Discipline)*

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall ~~have his/her employment terminated~~ **be subject to disciplinary action, up to and including dismissal,** in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

## Record-Keeping

**In accordance with law, t**he Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

## SEXUAL HARASSMENT (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
48900 Grounds for suspension or expulsion  
48900.2 Additional grounds for suspension or expulsion; sexual harassment  
48904 Liability of parent/guardian for willful student misconduct  
48980 Notice at beginning of term

**48985 Notices, report, statements and records in primary language**

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships  
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

**1092 Definition of sexual assault**

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, ~~discrimination~~ **of the Education Amendments of 1972**

**UNITED STATES CODE, TITLE 34**

**12291 Definition of dating violence, domestic violence, and stalking**

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-~~106.71~~ **106.82** Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (~~2001~~ **2000**, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

*Management Resources continued: (see next page)*

**SEXUAL HARASSMENT (continued)**

*Management Resources:*

CSBA PUBLICATIONS

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

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

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

*Q&A on Campus Sexual Misconduct*, September 2017

*Examples of Policies and Emerging Practices for Supporting Transgender Students*, May 2016

*Dear Colleague Letter: Title IX Coordinators*, April 2015

*Sexual Harassment: It's Not Academic*, September 2008

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

WEB SITES

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

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

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

# CSBA Sample Administrative Regulation

Students

AR 5145.7(a)

## SEXUAL HARASSMENT

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

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

### Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are **mandated** to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under that **the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions; the district should modify the following paragraph accordingly.**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 ~~and California Education Code 234.1~~, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The ~~coordinator/compliance officer(s)~~ **Title IX Coordinator(s)** may be contacted at:

Superintendent or Designee  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
Superintendent@rdusd.org

**SEXUAL HARASSMENT** (continued)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

**The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)**

**Prohibited Conduct**

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. **Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

Under the U.S. Department of Education's Office for Civil Rights (OCR) 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

**SEXUAL HARASSMENT** (continued)

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. ~~5137 - Positive School Climate~~)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

Note: The following list contains common examples of sexual harassment from the OCR January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916.
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Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

**SEXUAL HARASSMENT** (continued)

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

**Notifications**

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

*(cf. 5145.6 - Parental Notifications)*

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

**Note:** Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

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

**Note:** Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR 106.8 also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)

**SEXUAL HARASSMENT** (continued)*(cf. 1113 - District and School Web Sites)**(cf. 1114 - District-Sponsored Social Media)*

**Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.**

- 3.5.** Be provided as part of any orientation program conducted for new **and continuing** students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
- 4.6.** Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

**Note: Items #5 and #6 #7 8 below are optional.**

- 5.7.** Be included in the student **any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)**
- 6.** Be provided to employees and employee organizations

**Reporting Complaints Process and Complaint Investigation and Resolution**

~~Note: The following reporting process details site level steps to be taken by students and others for reporting sexual harassment incidents. In its January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.~~

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

**Any** student **or parent/guardian** who believes that **he/she the student** has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to **his/her a** teacher, the principal, **the district's Title IX Coordinator**, or any other available school employee. Within one school day of receiving such a report, the **principal or other** school employee shall forward the report to the **principal or the district's compliance officer identified in AR 1312.3 Title IX Coordinator**. ~~In addition, any~~ **Any** school employee who observes an



**SEXUAL HARASSMENT** (continued)

incident of sexual harassment involving a student shall, within one school day, report ~~his/her~~ **the** observation to the principal or ~~a district compliance officer~~ **Title IX Coordinator, regardless of**. ~~The employee shall take these actions,~~ whether ~~or not~~ the alleged victim files a **formal** complaint.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

When a report or complaint of sexual harassment involves off-campus conduct, the ~~principal~~ **Title IX Coordinator** shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If ~~he/she~~ **the Title IX Coordinator** determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the ~~principal or compliance officer~~ **Title IX Coordinator** shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with ~~the applicable~~ **the applicable** district's ~~uniform~~ complaint procedures. ~~Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.~~

**Complaint Procedures**

**All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.**

~~If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.~~

~~In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.~~

~~In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be~~

**SEXUAL HARASSMENT (continued)**

submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 – Child Abuse Prevention and Reporting)

**Confidentiality**

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1 99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance 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. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

**SEXUAL HARASSMENT (continued)**

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

*(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 – Student Records)*

**Response Pending Investigation**

Note: The following reporting process may be revised to reflect district practice. In its Q&A on Campus Sexual Misconduct, OCR cautions that schools are responsible for redressing a hostile environment that occurs on campus even if it relates to off-campus activities.

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

**Notifications**

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

**SEXUAL HARASSMENT (continued)**

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

*(cf. 5145.6 – Parental Notifications)*

Note: 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 the contact information for current compliance officer(s) to students, parents/guardians, and employees. Item #2 below may be modified to reflect the means used by the district to disseminate its sexual harassment policy and regulation.

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

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

*(cf. 1114 – District Sponsored Social Media)*

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 below are **optional**.

5. Be included in the student handbook
6. Be provided to employees and employee organizations

(7/15 9/16) 7/20

# CSBA Sample Administrative Regulation

Students

AR 5145.71(a)

## TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

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

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

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

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)**

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

**All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.**

*(cf. 1312.3 - Uniform Complaint Procedures)*

**A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.**

*(cf. 5145.7 - Sexual Harassment)*

**Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.**

<p><b>Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.</b></p>
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**Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.**

## TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

### Emergency Removal from School

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

**Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student



**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Formal Complaint Process**

**If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)**

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

**If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.**

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

**Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.**

**The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.**

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

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

**During the investigation process, the district shall: (34 CFR 106.45)**

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

- 9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party**

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

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

**Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.**

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

**Written Decision**

**Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.**

**The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)**

**The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)**

**Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 45-day period so that, in**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

the event it is determined that the alleged conduct does not meet the definition of sexual harassment pursuant to Title IX regulations, there will be time for the district to complete the resolution of the complaint through uniform complaint procedures within the required 60-day period for that process. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

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

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

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

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant**

- 6. The district's procedures and permissible bases for the complainant and respondent to appeal**

**Appeals**

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

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

**Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)**

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

**An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

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

**Remedies**

**Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.**

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

**Corrective/Disciplinary Actions**

**The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)**

**For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)**

*(cf. 5144 - Discipline)*

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

**Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:**

- 1. Transfer from a class or school as permitted by law**
- 2. Parent/guardian conference**
- 3. Education of the student regarding the impact of the conduct on others**
- 4. Positive behavior support**
- 5. Referral of the student to a student success team**

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

*(cf. 6164.5 - Student Success Teams)*

**6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law**

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

**When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.**

*(cf. 4117.7/4317.7 - Employment Status Report)*

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

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

**Record-Keeping**

**The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)**

**The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)**

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Legal Reference:**

**EDUCATION CODE**

*200-262.4 Prohibition of discrimination on the basis of sex*

*48900 Grounds for suspension or expulsion*

*48900.2 Additional grounds for suspension or expulsion; sexual harassment*

*48985 Notices, report, statements and records in primary language*

**CIVIL CODE**

*51.9 Liability for sexual harassment; business, service and professional relationships*

*1714.1 Liability of parents/guardians for willful misconduct of minor*

**GOVERNMENT CODE**

*12950.1 Sexual harassment training*

**CODE OF REGULATIONS, TITLE 5**

*4600-4670 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

**UNITED STATES CODE, TITLE 20**

*1092 Definition of sexual assault*

*1221 Application of laws*

*1232g Family Educational Rights and Privacy Act*

*1681-1688 Title IX of the Education Amendments of 1972*

**UNITED STATES CODE, TITLE 34**

*12291 Definition of dating violence, domestic violence, and stalking*

**UNITED STATES CODE, TITLE 42**

*1983 Civil action for deprivation of rights*

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

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

*99.1-99.67 Family Educational Rights and Privacy*

*106.1-106.82 Nondiscrimination on the basis of sex in education programs*

**COURT DECISIONS**

*Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567*

*Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130*

*Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736*

*Davis v. Monroe County Board of Education, (1999) 526 U.S. 629*

*Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274*

*Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473*

*Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447*

*Management Resources: (see next page)*



**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

**Management Resources:**

**CSBA PUBLICATIONS**

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

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

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

**O&A on Campus Sexual Misconduct, September 2017**

**Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016**

**Dear Colleague Letter: Title IX Coordinators, April 2015**

**Sexual Harassment: It's Not Academic, September 2008**

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

**WEB SITES**

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

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

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

# CSBA Sample Board Policy

Instruction

BP 6142.7(a)

## PHYSICAL EDUCATION AND ACTIVITY

Note: The following ~~optional~~ policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also ~~may~~ incorporate goals for physical activity.

Education Code 33352 requires ~~the~~ CDE, as part of the Federal Program Monitoring (FPM) process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation. **During the FPM process, CDE will request a link to this policy as evidence of specified components of compliance.**

The Governing Board recognizes the positive benefits of physical activity on student health, **well-being**, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

*(cf. 5030 - Student Wellness)*

*(cf. 6142.8 - Comprehensive Health Education)*

**Note: During the FPM monitoring process, CDE will check the district's compliance with laws requiring that physical education classes be conducted in a coeducational, inclusive manner.**

**Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)**

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

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. ~~The CDE's 2009 Physical Education Framework for California Public Schools~~ **The state curriculum framework** describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) **Healthy People 2020 - Physical Activity Guidelines for Americans** recommends that children and adolescents participate in at least 60 minutes of **age-appropriate** moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. **To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. It is recommended that the majority of the 60 minutes or more of daily physical activity be aerobic exercise, which includes vigorous physical activity at least three days a week, and that muscle and bone strengthening exercise be included at least three days a week. To help students reach these goals, the state curriculum framework recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time.** See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on **Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.**

The district's physical education program shall engage students in **age-appropriate** moderate to vigorous physical activity, as defined in the accompanying administrative regulation, **for at least 50 percent of class or session time including aerobic, muscle-strengthening, and bone-strengthening activities.** The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the **CDE's Physical Education Framework for California Public Schools state curriculum framework**, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. **The CDE's Physical Education FAQs** add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

## PHYSICAL EDUCATION AND ACTIVITY (continued)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*

Note: The following paragraph is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

*(cf. 1330.1 - Joint Use Agreements)*  
*(cf. 5142.2 - Safe Routes to School Program)*  
*(cf. 5148 - Child Care and Development Program)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of 'moderate physical activity' and 'vigorous physical activity.' Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

**PHYSICAL EDUCATION AND ACTIVITY (continued)**

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

*(cf. 3514 - Environmental Safety)*

*(cf. 5141.7 - Sun Safety)*

***(cf. 5141.23 - Asthma Management)***

***(cf. 6145.2 - Athletic Competition)***

~~The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.~~

~~*(cf. 1330.1 - Joint Use Agreements)*~~

~~*(cf. 5142.2 - Safe Routes to School Program)*~~

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

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

~~*(cf. 6145 - Extracurricular and Co-curricular Activities)*~~

**Staffing**

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. Pursuant to Education Code 44256, the holder of a multiple subject credential may teach a departmentalized class in grades K-9 if the credential holder has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework in the subject of his/her major or minor pursuant to 5-CCR-80020 to be taught. In addition, Education Code 44256 authorizes allows the Board by resolution to assign-authorize a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if he/she the credential holder has 20 hours completed at least 12 semester units or six upper division or graduate units of coursework or 10 hours of upper division coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if he/she the teacher has adequate knowledge of the subject to be taught based on criteria specified in Education Code 44258.3 and specific district-adopted criteria and standards-policies and procedures. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

**CDE's Physical Education FAQs clarify that a teacher credentialed in a subject other than physical education may teach physical education if approved by the committee on assignments.**

The CDE's Physical Education FAQs also clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

## PHYSICAL EDUCATION AND ACTIVITY (continued)

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4113 - Assignment)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

*(cf. 4131 - Staff Development)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*

### Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

### Temporary Exemptions

Note: ~~The following section is optional and should be revised to reflect district practice.~~

Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below. **During the FPM process, the district may provide a link to the district's policy as evidence of any physical education exemptions offered by the district. The following section is optional and should be revised to reflect district practice.**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet **his/her the student's** needs cannot be provided.
2. The student is enrolled for one-half time or less.

**PHYSICAL EDUCATION AND ACTIVITY (continued)****Two-Year Exemptions**

Note: The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to satisfactorily meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

*(cf. 6112 - School Day)*

**Permanent Exemptions**

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

## PHYSICAL EDUCATION AND ACTIVITY (continued)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than ~~he/she~~ **the student** would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

### Other Exemptions

Note: The following **optional** section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

*(cf. 6178.2 - Regional Occupational Center/Program)*

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

*(cf. 6145.2 - Athletic Competition)*

### Program Evaluation

Note: The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.



**PHYSICAL EDUCATION AND ACTIVITY (continued)**

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. ~~He/she~~ **The Superintendent or designee** shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity **and student well-being**.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference: (see next page)*

## PHYSICAL EDUCATION AND ACTIVITY (continued)

### Legal Reference:

#### EDUCATION CODE

**220 Prohibition of discrimination**

**221.5 Sex equity in education**

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; **regional occupational center/program**

60800 Physical performance test

#### CODE OF REGULATIONS, TITLE 5

~~1040-1048~~ **1044** Physical performance test

**1047-1048 Testing variations and accommodations**

3051.5 Adapted physical education for individuals with exceptional needs

~~4600-4687~~ **4670** Uniform complaint procedures

**4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance**

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

#### UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

#### UNITED STATES CODE, TITLE 42

1758b Local wellness policy

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

**106.33 Nondiscrimination on the basis of sex; comparable facilities**

**106.34 Nondiscrimination on the basis of sex; access to classes and schools**

**300.108 Assistance to states for the education of children with disabilities; physical education**

#### ATTORNEY GENERAL OPINIONS

53 *Ops. Cal. Atty. Gen.* 230 (1970)

#### COURT DECISIONS

*Doe v. Albany Unified School District* (2010) 190 Cal.App.4th 668

*Cal200 et al. v. San Francisco Unified School District et al.* (2013), San Francisco Superior Court,

Case No. CGC-13-534975

*Cal200 et al. v. Oakland Unified School District et al.* (San Francisco Superior Court, Case No. CPF-14-513959

Management Resources: (see next page)

**PHYSICAL EDUCATION AND ACTIVITY (continued)***Management Resources:*CSBA PUBLICATIONS

*Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015*

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

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

*Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010*

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010*

*Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009*

*Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009*

*Physical Education and California Schools, Policy Brief, rev. October 2007*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009*

*Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005*

*Adapted Physical Education Guidelines for California Schools, 2003*

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2014-2017*

*School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*The Administrator's Assignment Manual, 2007 2019*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

*2008 Physical Activity Guidelines for Americans, 2nd Edition, October 2008 2018*

WEB SITES

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

California Department of Education Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>  
<http://www.cde.ca.gov>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/epf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

<https://www.pgpedia.com/n/national-association-sport-and-physical-education>

President's Council on Physical Fitness and Sports Sports, Fitness and Nutrition:

<http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

# CSBA Sample Administrative Regulation

**Instruction**

AR 6142.7(a)

## PHYSICAL EDUCATION AND ACTIVITY

### Definitions

Note: The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

*Physical education* is a sequential educational program that teaches students to understand and participate in regular physical activity **for that assists in** developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

*Physical activity* is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

*Moderate physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

*Vigorous physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

### Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 **must is required to** provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

**PHYSICAL EDUCATION AND ACTIVITY** (continued)

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. ~~In addition, a number of recent legal actions (e.g., Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.~~

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following **optional** paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see ~~the CDE's FPM instrument, and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement~~ **Physical Education Guidelines Elementary Schools, and Physical Education Guidelines Middle and High School.**

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, **bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar,** teacher roster, or log for staff or students to record the number of physical education minutes completed.

## PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: ~~The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687 4670) for any complaint that an elementary school has not complied with the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12.~~ See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement ~~for elementary schools~~ may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or ~~the~~ CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, **51222**, 51223; 5 CCR 4600-~~4687 4670~~)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### Monitoring Moderate to Vigorous Physical Activity

Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing ~~an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time~~ **goals for moderate to vigorous physical activity in physical education classes.**

To monitor ~~whether~~ **the amount of time** students are engaged in moderate to vigorous physical activity ~~for at least 50 percent of physical education class or session time~~, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity ~~or the number of students who~~ **and the amount of time students** are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

*(cf. 4115 - Evaluation/Supervision)*

### Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

**PHYSICAL EDUCATION AND ACTIVITY (continued)**

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

*(cf. 6162.5 - Student Assessment)*

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, **his/her the** duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and **California Department of Education CDE** for all matters related to the physical fitness test. **His/her The** duties shall be those specified in 5 CCR 1043.4, including, but not limited to, **overseeing the administration of the test and the collection and return of all test data to the test contractor.:** (5 CCR 1043.4)

- 1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions**
- 2. Determining district and school site test and test material needs**
- 3. Overseeing the administration of the physical fitness test to students**
- 4. Overseeing the collection and return of all test data to the contractor**
- 5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements**
- 6. Ensuring that all test data are sent to the test contractor by June 30 of each year**

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in **his/her the student's** cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

## **PHYSICAL EDUCATION AND ACTIVITY (continued)**

*(cf. 5125 - Student Records)*

Note: The following paragraph is <b>optional</b> .
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Each student's test results shall also be provided to **his/her the student's** parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

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

### **Testing Variations**

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that **they the student(s)** are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital



**PHYSICAL EDUCATION AND ACTIVITY (continued)**

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that **they the student(s)** are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

**Additional Opportunities for Physical Activity**

Note: The following <b>optional</b> section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.
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The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, **and** lunch, **and before- and after-school** supervisors on methods to engage students in moderate to vigorous physical activity

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 4231 - Staff Development)*  
*(cf. 5030 - Student Wellness)*

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, **community service**, special events, and competitions

***(cf. 6142.4 - Service Learning/Community Service Classes)***  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.5 - Student Organizations and Equal Access)*

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

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

**PHYSICAL EDUCATION AND ACTIVITY (continued)**

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

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

*(cf. 1330.1 - Joint Use Agreements)*

6. Developing business partnerships to maximize resources for physical activity equipment and programs

*(cf. 1700 - Relations Between Private Industry and the Schools)*

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

*(cf. 5142.2 - Safe Routes to School Program)*

# CSBA Sample Board Policy

Instruction

BP 6159(a)

## INDIVIDUALIZED EDUCATION PROGRAM

Note: ~~This~~ **The following Board** policy and the accompanying administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area (~~SELPA~~) in which the district participates.

The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities **to all students with disabilities**. Students with disabilities shall receive a free appropriate public education (**FAPE**) and, **to the maximum extent possible, shall be placed—educated** in the least restrictive environment **with nondisabled students** ~~which meets their needs to the extent provided by law.~~

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

**For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student.** The Superintendent or designee shall develop administrative regulations regarding the ~~appointment of the individualized education program membership of the (IEP) team, the team's responsibility to develop and regularly review the IEP,~~ the contents of the IEP, and the development, review, and revision ~~of the IEP processes.~~

**The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)**

- 1. Students who have been suspended or expelled from school**
- 2. Students who are placed by the district in a nonpublic, nonsectarian school**
- 3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement**

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the Individuals with Disabilities Education Act (IDEA) are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

*Legal Reference:*EDUCATION CODE**46392 Emergencies**

51225.3 Requirements for high school graduation and diploma

**56040.3 Assistive technology**

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56347 Instructional planning and individualized education program

56350-~~56352~~ **56354** IEP for visually impaired students

56380 IEP reviews; notice of right to request

56390-56392 Certificate of completion, special education

56500-56509 Procedural safeguards

60640-60649 California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 State assessments, accommodations

**1215.5 1218 High School Exit Examination, accommodations for students with disabilities**

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

**3051-3053 Implementation of the individualized education program**UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

*Legal Reference continued: (see next page)*

## INDIVIDUALIZED EDUCATION PROGRAM (continued)

### Legal Reference: (continued)

#### CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

#### COURT DECISIONS

*Marshall v. Monrovia Unified School District*, (9<sup>th</sup> Circuit, 2010) 627 F.3d 773

*Schaffer v. Weast* (2005) 125 S. Ct. 528

*Shapiro v. Paradise Valley Unified School District, No. 69* (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072

*Sacramento City School District v. Rachel H.* (9<sup>th</sup> Cir. 1994) 14 F.3d 1398

***Andrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988**

#### ATTORNEY GENERAL OPINIONS

85 *Ops. Cal. Atty. Gen.* 157 (2002)

### Management Resources:

#### FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)*

*California Practitioners' Guide for Educating English Learners with Disabilities, July 2019*

#### WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osep>

(11/03 3/06) 7/20

# CSBA Sample Administrative Regulation

Instruction

AR 6159(a)

## INDIVIDUALIZED EDUCATION PROGRAM

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement **designed that is developed, reviewed, and revised** by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, **56345**; 34 CFR 300.**320, 300.323**)

### Members of the IEP Team

**Unless excused by written agreement in accordance with Education Code 56341, t**he IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414(~~d~~)(1); 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to ~~his/her~~ **the** foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on **the student's** behalf of ~~his/her child and the child~~ **and the student** has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the ~~Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482)~~ are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to ~~his/her~~ **a** foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the ~~regular~~ **general** education program, at least one of the student's ~~regular~~ **general** education teachers designated by the Superintendent or designee to represent the student's **general education** teachers

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

The **regular general** education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)

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

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
  - b. Knowledgeable about the general education curriculum
  - c. Knowledgeable about the availability of district **and/or special education local plan area (SELPA)** resources

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

Note: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, explains that a person who does not have knowledge and special expertise regarding the student, and who is not requested to be present at the IEP team meeting by the parent/guardian or district, would not be permitted to be a member of the team or attend the meeting as an observer. This comment is consistent with an **An** Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)) **which stated concluded** that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability

In the development, review, or revision of **his/her the** IEP, the student shall be allowed to provide confidential input to any representative of **his/her the** IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's **regular general** education teacher shall observe the student's academic performance and behavior in the areas of difficulty in **his/her the student's** learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

Note: The requirement for a district to request the participation of a county mental health agency in the IEP team before it refers a student to the county mental health agency has been eliminated due to the repeal of Education Code 56331 by AB 114 (Ch. 43, Statutes of 2011), effective January 1, 2012.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist **him/her the student** in reaching the goals **as stated in Education Code 56345(a)(8)**, the following individuals shall be invited to attend: (34 CFR 300.321)
  - a. The student, regardless of **his/her the student's** age



**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian **or adult student**, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(C); 34 CFR 300.321)

**Contents of the IEP**

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
  - a. The manner in which the **student's** disability affects **his/her the student's** involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
  - b. For a preschool **child student**, as appropriate, the manner in which the disability affects **his/her the student's** participation in appropriate activities

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

Note: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with disabilities may not meet the growth projected in the annual goals and objectives, districts must make a good faith effort to assist them in achieving the goals in their IEP.

- 2. A statement of measurable annual goals, including academic and functional goals, designed to:
  - a. Meet the student's needs that result from **his/her the** disability in order to enable the student to be involved in and **make** progress in the general education curriculum
  - b. Meet each of the student's other educational needs that result from **his/her the** disability
- 3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
- 4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

*(cf. 3541.2 - Transportation for Students with Disabilities)*

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP

Note: Pursuant to 20 USC 1412(a), students with disabilities must be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with ~~his/her~~ **the student's** IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

~~Education Code 56345~~ and 34 CFR 300.320 ~~and Education Code 56345~~ require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that ~~he/she~~ **the student** cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate ~~for him/her~~.

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
  - b. The transition services, including courses of study, needed to assist the student in reaching those goals

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

**Note: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.**

**9.** A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

**9.10.** Beginning at least one year before the student reaches age 18, a statement that the student has been informed of ~~his/her~~ **the** rights, if any, that will transfer to ~~him/her~~ **the student** upon reaching age 18, pursuant to Education Code 56041.5

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

~~1.11.~~ For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*

~~2.12.~~ For a student whose native language is not English, ~~L~~linguistically appropriate goals, objectives, programs, and services ~~for a student whose native language is not English~~

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

~~3.13.~~ Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6177 - Summer Learning Programs)*

~~4.14.~~ ~~Provision for transition into the regular education program~~ ~~if~~ the student is to be transferred from a special class ~~or center~~ or nonpublic, nonsectarian school into a ~~regular~~ **general** education program in a public school for any part of the school day, ~~provision for transition into the regular~~ **general** education program including descriptions of activities intended to:

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- a. Integrate the student into the **regular general** education program, including **indications of** the nature of each activity and the time spent on the activity each day or week
- b. Support the transition of the student from the special education program into the **regular general** education program

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

**5-15.** For a student with low incidence disabilities, ~~specialized services, materials, and equipment for a student with low incidence disabilities,~~ specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

**Note: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.**

**To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)**

**Development of the IEP**

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (**Education Code 56043**; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code **56043**, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes **his/her the student's** learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, **needs, and appropriate reading and writing media, including an assessment of his/her** future needs for instruction in Braille or the use of Braille, ~~and other appropriate reading and writing media.~~

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

**Provision of Special Education and Related Services**

Note: Effective January 1, 2012, AB 114 (Ch. 43, Statutes of 2011) repealed Education Code 56331 which required county mental health agencies to be responsible for providing mental health services (AB 3632 services) if required in a student's IEP. Thus, districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs. The CDE web site clarifies that districts may contract with county mental health agencies for the provision of some services and/or may employ their own professionals or contract with organizations or professionals in the community.

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with ~~his/her~~ **the** IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each ~~regular~~ **general** education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Note: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

**If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)**

## INDIVIDUALIZED EDUCATION PROGRAM (continued)

**Note:** Pursuant to Education Code 56041.1, an IEP team must consider whether a student with disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019), Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive FAPE, consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

**If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)**

### Review and Revision of the IEP

**Note:** Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305(a)(2) and Education Code 56381(b)



**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- d. The student's anticipated needs
  - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP;" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

Note: Education Code 56195.8 **mandates** that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a disability when so requested by a **regular general education** or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. **The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."**

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

Note: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
*(cf. 6173.1 - Education for Foster Youth)*

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (**Education Code 56380.1**; 20 USC 1414(d)(3)(D); 34 CFR 300.324)

**Audio Recording of IEP Team Meetings**

Note: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

**Parent/Guardian Participation and Other Rights**

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
  - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
  - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)
2. An indication that the student is invited to the IEP team meeting

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

**3. Identification of any other agency that will be invited to send a representative**

*(cf. 5145.6 - Parental Notifications)*

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

The parent/guardian shall have the right and opportunity to examine all of **his/her child's the student's** school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting **his/her child the student**, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

*(cf. 5125 - Student Records)*

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(f); 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian **that he/she should to** attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of ~~his/her child's~~ **the** IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

**Parent/Guardian Consent for Provision of Special Education and Services**

Before providing special education and related services to any student ~~pursuant to 20 USC 1414(a)(1)~~, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian ~~pursuant to 20 USC 1414(a)(1)~~. **(Education Code 56346)**

~~The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if~~ **If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)**

If the parent/guardian **consents in writing to the receipt of special education and related services for the student but** does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. ~~(Education Code 56346)~~ If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

Note: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, ~~his/her~~ consent for the continued provision of special education and related services to ~~his/her child~~ **the student**. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the ~~child~~ **student**. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Note: The following paragraph is **optional** and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. ~~In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.~~

Note: Pursuant to 34 CFR 300.9, when a parent/guardian revokes ~~his/her~~ consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, districts with questions should consult legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

**Transfer Students**

Note: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in Marshall v. Monrovia Unified School District, the Ninth Circuit Court of Appeals ruled in favor of defendant school district on the question of whether the district denied FAPE to a student with a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including ~~his/her~~ **the** IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same **Special**

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

**Education Local Plan Area (SELPA)** during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless **his/her the student's** parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP **in consultation with the student's parent/guardian, for a period not to exceed 30 days. Within 30 days, By the end of that period, the district** ~~the Superintendent or designee~~ shall **either**, ~~in consultation with the student's parents/guardians,~~ adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

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# CSBA Sample Board Policy

Instruction

BP 6159.1(a)

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** policy ~~and mandated administrative regulation~~ reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 **and 20 USC 1415** **mandates** all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the **Special Education Local Plan Area (SELPA)** in which the district participates.

The Governing Board ~~desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law.~~ **recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child.** Parents/guardians of students with disabilities shall receive written notice of their rights **under the federal Individuals with Disabilities Education Act.** ~~in accordance with law, Board policy, and administrative regulation.~~

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education **Students**)*

*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*

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

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

**Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.**

Note: Education Code 56195.8 authorizes the ~~policy to include provisions~~ **Governing Board to adopt policy** for ~~involving district~~ **the involvement** of Board members in any due process hearing procedure activities. **However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing.** The following **optional** paragraph ~~designates the Superintendent or designee as the district representative at the hearing.~~ **may be revised to reflect district practice.**



**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Note: A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing. **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging a violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.**

~~The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.~~ **Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.**

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

*Legal Reference: (see next page)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

*Legal Reference:*

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, **especially:**

**3080-3089 Procedural safeguards**

**3200-3205 Special education compliance complaints**

~~4600-4670 Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

**300.150-300.153 State compliance complaints**

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

*Management Resources:*

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

**Office of Administrative Hearings, Special Education Division:**

**<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>**

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

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**Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

Instruction

AR 6159.1(a)

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (**IDEA**) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Both federal and state law give parents/guardians **of students with disabilities** the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends these rights to the student only if **he/she the student** is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. See AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below.

### Prior Written Notice

Note: Pursuant to 20 USC 1415**(b)(1)**, districts are **mandated** to adopt procedures **relative to the prior written notice as specified in 20 USC 1415(c)(1) and listed below, that include prior written notice to parents/guardians of students with disabilities under the circumstances described below.**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice **within a reasonable time**: (**Education Code 56346, 56500.4, 56500.5; 20 USC 1415(e); 34 CFR 300.102, 300.300, 300.503; Education Code 56500.4, 56500.5**)

1. Before the district initially refers the student for assessment
2. **Within a reasonable time bB**efore the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. **Within a reasonable time bB**efore the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. **Within a reasonable time bB**efore the student graduates from high school with a regular diploma thus resulting in a change in placement

Note: **As amended by 73 Fed. Reg. 231**, 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services **to his/her child** at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.

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5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to **his/her child the student**

This **prior written** notice shall include: (**Education Code 56500.4**; 20 USC 1415(**e**); 34 CFR 300.503; **Education Code 56500.4**)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of each assessment procedure, **test, assessment,** record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

*(cf. 6159 - Individualized Education Program)*

7. A description of any other factors relevant to the district's proposal or refusal

*(cf. 5145.6 - Parental Notifications)*

**Procedural Safeguards Notice**

**Note: Education Code 56301, 20 USC 1415(d)(1), 34 CFR 300.504, and Education Code 56501 specify that the procedural safeguards notice must be given to parents/guardians once per school year and upon the occurrence of any of the events specified below. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.**

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (**Education Code 56301**; 20 USC 1415(**d**)(**1**); 34 CFR 300.504; **Education Code 56301**)

1. Upon initial referral or parent/guardian request for assessment

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**Note: Pursuant to 34 CFR 300.504, the procedural safeguards notice must be provided upon receipt of the first state complaint filed against the district in a school year pursuant to 34 CFR 300.151-300.153. For complaint procedures addressing alleged violation of federal or state law or regulation related to the provision of a free appropriate public education (FAPE), see the section "State Compliance Complaints" below.**

2. Upon receipt of the first state compliance complaint in a school year, **filed in accordance with the section "State Compliance Complaints" below**

*(cf. 1312.3 – Uniform Complaint Procedures)*

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when **a decision is made to remove removal of** a student because of a violation of a code of conduct **constituting constitutes** a change of placement

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

5. Upon request by a parent/guardian

~~Note: 34 CFR 300.504 requires the procedural safeguards notice to include a full explanation of the safeguards available to parents/guardians under the laws listed below, including 34 CFR 300.300 regarding parent/guardian consent. 73 Fed. Reg. 231 amended 34 CFR 300.300 to authorize a parent/guardian to revoke consent to his/her child's continued receipt of special education and related services; thus, the procedural safeguards notice must include a full explanation of that right to revocation.~~

**Note: 34 CFR 300.504 lists the required content of the procedural safeguards notice. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.**

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: **(Education Code 56301; 20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)**

1. Independent educational evaluation

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

2. Prior written notice

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to ~~his/her child's~~ **the student's** continued receipt of special education and related services

4. Access to educational records

*(cf. 5125 - Student Records)*

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. ~~Attorney's fees~~ **Availability of attorneys' fees pursuant to 34 CFR 300.517**

~~Note: In addition to the requirements of federal law listed in items #1-13 above, Education Code 56321 requires that the procedural safeguards notice contain the additional information specified below. Education Code 56321 also requires that the notice be attached to any assessment plan which is developed whenever an assessment is to be conducted for the development or revision of the IEP.~~

~~As added by AB 2555 (Ch. 245, Statutes of 2008), Education Code 56321.6 requires that the procedural safeguards notice also include information regarding the state special schools for students who are deaf or blind, as specified below.~~

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
2. The timelines for completing each process;
3. Whether the process is optional;
4. The type of representative who may be invited to participate;
5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1; and
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind; (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56321.5, 56500.1)

### Format of Parent/Guardian Notices

Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified below. Districts that subscribe to CSBA's GAMUT Policy Plus may use the program's web-based translator to translate policy documents uploaded into the district's GAMUT web site.

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

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(continued)

1. ~~The notice is translated orally or by other means to the parent/guardian in his/her the parent/guardian's native language or other mode of communication, and that~~
2. ~~The parent/guardian understands the contents of the notice. (34 CFR 300.503)~~
3. ~~There is written evidence that items #1 and #2 have been satisfied.~~

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

Note: The following **optional** paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

**Filing Due Process Complaints**

Note: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law. ~~Education Code 56505 and 20 USC 1415(f)(3)(C) and Education Code 56505, effective October 9, 2006, specify that a due process complaint must be filed within two years of the date that the parent/guardian or district knew or should have known about the situation that forms the basis of the complaint. Both federal law (34 CFR 300.507 and 300.511) and state law (Education Code 56505) provide exceptions to that filing timeline and allow parents/guardians to file a complaint past the two year deadline if the district has made specific misrepresentations or withheld information.~~

When a parent/guardian has revoked consent for the continued provision of special education services to ~~his/her child the student~~, 34 CFR 300.300, as amended by 73 Fed. Reg. 231, specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided. In the Analysis of Comments and Changes, 73 Fed. Reg. 231, page 73016, the U.S. Department of Education clarifies that this revocation of consent to discontinue services is different from a discontinuation of services based on the determination that the student is no longer a child with a disability. If a district believes that a student is no longer a child with a disability, then 34 CFR 300.305 requires the district to evaluate the child before making such a determination. If the parent/guardian disagrees with the eligibility determination, then he/she may challenge the decision using the due process procedures.

20 USC 1415(b) **mandates** that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415(b); Education Code 56501)



**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
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1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of ~~his/her child~~ **the student**.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Note: Pursuant to 20 USC 1415(b) and 34 CFR 300.508, the district is **mandated** to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. **The** CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: **(Education Code 56502; 20 USC 1415(b); 34 CFR 300.508; Education Code 56502)**

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

*(cf. 6173 - Education for Homeless Children)*

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

**Note: Although Education Code 56502 states that all requests for a due process hearing must be filed with the Superintendent of Public Instruction, according to CDE's web site, due process hearing requests should be filed with the Special Education Division of the Office of Administrative Hearings.**

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Parties filing a due process complaint shall file their request with the **state Office of Administrative Hearings, Special Education Division**. ~~Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)~~

**Note: 20 USC 1415 mandates that the district's procedures include an opportunity to file a complaint about an alleged violation that occurred not more than two years before the parent/guardian or district knew or should have known about the alleged violation, unless an exception specified in law applies.**

**The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)**

### District's Response to Due Process Complaints

~~Note: 20 USC 1415(e)(1), 34 CFR 300.508, and Education Code 56502 require the district to provide the following notice upon receipt of the due process complaint.~~

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415~~(e)(1)~~; 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415~~(e)(1)~~; 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each ~~evaluation~~ **assessment** procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

### Informal Process/Pre-Hearing Mediation Conference

Note: **20 USC 1415 mandates that the district's due process procedures include an opportunity for mediation.** ~~As an alternative to a due process hearing,~~ Education Code 56500.3 ~~provides that the parties may voluntarily participate in a mediation process conducted by a person under contract with the CDE~~ **establishes a state-level mediation process.** In addition, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. ~~The Superintendent or designee shall have the authority to resolve the issue(s).~~ ~~In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education.~~ (Education Code 56502)

In addition, either party may file a request with the ~~Superintendent of Public Instruction~~ **state Office of Administrative Hearings** for a mediation conference ~~to be conducted by a person under contract with the California Department of Education.~~ **(Education Code 56500.3)**

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

### State Compliance Complaints

Note: **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to CDE rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. State compliance complaints differ from the due process complaints described above and are investigated and resolved by CDE.**

**Pursuant to 34 CFR 300.152, if a written complaint is the subject of both a state compliance complaint and a due process complaint, or contains multiple issues which include one or more issues that are a**

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
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part of a due process hearing, CDE must set aside any part of the state compliance complaint that is being addressed in the due process hearing until the conclusion of the hearing.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).
2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.
3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.
4. The district failed or refused to implement a due process hearing order to which the district is subject.
5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201
2. The facts on which the statement is based
3. The signature and contact information for the complainant
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
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**Note: Pursuant to 5 CCR 3203 and 34 CFR 300.152, CDE must complete its investigation of the state compliance complaint within 60 calendar days. This time limit may be extended only if (1) exceptional circumstances exist with respect to the particular complaint or (2) the complainant and the district agree to extend the time to engage in mediation. Within 30 days of the issuance of the investigation report, either the district or the complainant may request reconsideration of the decision. Within 60 days of receiving the request for reconsideration, CDE must respond in writing to the parties by either denying the request for reconsideration or modifying the investigative report.**

**Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)**

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# CSBA Sample Board Policy

Instruction

BP 6159.2(a)

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: Education Code 56195.8 mandates any entity providing special education districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided a policy related to its authority to enter into a contract with a nonpublic, nonsectarian school or agency for the provision of education and/or special services to students with disabilities when no appropriate public education program is available to meet the students' their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet the students' student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Note: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

**complies with staff training requirements** in accordance with Education Code 56366 **and 56366.1**. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any ~~nonpublic, nonsectarian school~~ **NPS/A** with which the district has a contract to ensure that the ~~school or agency's~~ certification has not expired.

Note: ~~Education Code 56195.8 mandates that the policy adopted by the entity providing special education include the following paragraph. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.~~

No district student shall be placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. ~~In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP.~~ (Education Code ~~56195.8, 56342.1~~)

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

Note: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, as amended by AB 1172, the agency fees for participating students.

**The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)**

In accordance with law, any student with disabilities placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, ~~the~~ procedural safeguards, due process rights, and periodic review of ~~his/her~~ **the student's IEP.**

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

During the period when any student with disabilities is placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A**, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in ~~his/her~~ **the** IEP.

Note: The following **optional** paragraph may be modified to reflect district practice.

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION** (continued)

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

~~In accordance with Education Code 56366.2, †~~The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, ~~56366.3,~~ and 56366.6. **(Education Code 56366.2)**

*(cf. 1431 - Waivers)*

*Legal Reference: (see next page)*



**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*  
56042 *Placement not to be recommended by attorney with conflict of interest*  
56101 *Waivers*  
56163 *Certification*  
56168 *Responsibility for education of student in hospital or health facility school*  
56195.8 *Adoption of policies*  
56342.1 *Individualized education program; placement*  
56360-56369 *Implementation of special education*  
56711 *Computation of state aid*  
56740-56743 *Apportionments and reports*  
56760 *Annual budget plan; service proportions*  
56775.5 *Reimbursement of assessment and identification costs*  
**56836.20-56836.21 *Special education funding; SELPA contracts with nonpublic nonsectarian schools***

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

GOVERNMENT CODE

7570-7587 *Interagency responsibilities for providing services to disabled children; especially:*  
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*  
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*  
**3051-3051.24 *Special education; standards for related services and staff qualifications***  
3060-3070 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

*Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997*

*Management Resources:*

FEDERAL REGISTER

***Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845***

WEB SITES

*California Department of Education: <http://www.cde.ca.gov>*  
*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*  
*<http://www.ed.gov/about/offices/list/osers>*

# CSBA Sample Administrative Regulation

Instruction

AR 6159.2(a)

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: The following administrative regulation is optional and may be revised to reflect district practice and the procedures of the Special Education Local Plan Area in which the district participates. It contains procedures for implementing policy mandated for entities that contract with nonpublic, nonsectarian schools or agencies for the provision of special education services to students with disabilities when no appropriate public education program is available to meet those students' special education needs.

### Master Contract

Note: Education Code 56366 and 56366.3 details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract with between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios, as well as
2. Transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include

*(cf. 3541.2 - Transportation for Students with Disabilities)*

**The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.**

3. Procedures for recordkeeping and documentation, and
4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student.

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

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

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)**

- 5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP**
- 6. A description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include the NPS/A, including a method for evaluating whether each student is making appropriate educational progress.**
- 7. Procedures and responsibilities for attendance and unexcused absences**
- 8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements**
- 9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions**

The contract may allow for partial or full-time attendance at the ~~nonpublic, nonsectarian school~~ **NPS/A**. (Education Code 56366)

~~(cf. 3541.2 - Transportation for Students with Disabilities)~~  
~~(cf. 3580 - District Records)~~  
~~(cf. 5125 - Student Records)~~  
~~(cf. 6146.1 - High School Graduation Requirements)~~

~~Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.~~

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

With mutual agreement of the district and ~~a nonpublic, nonsectarian school or agency~~ **NPS/A**, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in ~~his/her~~ **the student's** individual services agreement. (Education Code 56366)

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

### Placement and Services

Note: In addition to the master contract with a nonpublic, nonsectarian school or agency, Education Code 56366 requires that an individual services agreement as specified in the following section be in place for any student with a disability to be served by any such nonpublic school or agency. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

For each any student to be placed in an NPS/A, tThe Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)

**At least once each year, the district shall: (Education Code 56366)**

Note: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's alternative accountability system (Dashboard Alternative School Status). See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

## NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Note: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A**. (5 CCR 3069)

When a special education student meets the district requirements for completion of **the** prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

*(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)*

### Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside California, the Superintendent or designee shall document the district's efforts to **use public schools and/or to** find an appropriate program offered by ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the ~~related~~ costs **of the special education and related services provided**, and the district's efforts to locate an appropriate public school or ~~nonpublic, nonsectarian school or agency~~ **NPS/A** within California. (Education Code 56365)

If the district decides to place a student with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

### On-Site Visits

Note: Beginning with the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to CDE using criteria published by CDE.

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)**

**The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)**

**At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)**

- 1. A review of services provided to the student through the individual services agreement**
- 2. A review of progress the student is making toward the goals set forth in the student's IEP**
- 3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable**
- 4. An observation of the student during instruction**
- 5. A walkthrough of the facility**

**The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)**

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 12

Type of item: (Action, Consent Action or Information Only): Action

**SUBJECT:**

Request the Board to conduct interviews, and if appropriate, take action to appoint a qualified candidate for vacancies in Trustee Areas V, VI and VII. Request direction from the Board on next steps to fill any vacant positions after the October 13, 2020 meeting.

**BACKGROUND:**

The District received a resignation letter from Trustee Alicia Fernandez (effective August 26, 2020) for Trustee Area V (Clarksburg Trustee Area). Additionally, there were no candidates who filed papers with the Voters Registration & Elections Offices interested in running on the November 3, 2020 ballot for Trustee Areas VI & VII (Rio Vista Areas) leaving three Board vacancies.

**STATUS:**

The District received an application from a qualified candidate prior to the deadline of October 6, 2020 at noon for Trustee Area V. The District did not receive applications for Trustee Areas VI and VII prior to the deadline. The District requests the Board's direction for filling any vacant Trustee Area positions after the October 13, 2020 meeting.

**PRESENTER:**

Katherine Wright, Superintendent

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board conducts interviews, and if appropriate, take action to appoint a qualified candidate for vacancies in Trustee Areas V, VI or VII and to provide direction on the next steps to fill any vacant positions after the October 13, 2020 Board meeting.

Time allocated: 10 minutes

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 13

Type of item: (Action, Consent Action or Information Only): Action

**SUBJECT:**

Request to approve the Hybrid Learning Plan for River Delta Unified School District for the 2020-2021 school year and to give the authority to the Superintendent or her designee to adjust the plan as necessary based on the recommendations from the Sacramento County Public Health Department

**BACKGROUND:**

The COVID-19 crisis has created the need for the District to collaborate with stakeholders and begin drafting a Reopening of Schools Plan. The District met with both bargaining units, administration, cabinet members and, in addition, held several Zoom Feedback meetings with various employee work groups, the Superintendent and Director of Educational Services planned, prepared and facilitated planning group meetings with representatives from District stakeholder groups receiving input to develop this plan. This document was brought to the Board for approval at the June 23, 2020 Board meeting. Due to the Executive Order of the Governor, and guidance from the county public health officials and the Sacramento County Office of Education, the District was instructed to start the 2020-2021 school year in a full-time Distance Learning Model.

**STATUS:**

Using the feedback from each planning group and the guidance and planning documents from Sacramento County Office of Education (SCOE), Center of Disease Control and Prevention, and the approved RDUSD Reopening of School Plan, the Hybrid Learning Plan was created. The plan has been submitted to SCOE and both Presidents of our local labor unions.

**PRESENTER:**

Katherine Wright, Superintendent

**COST AND FUNDING SOURCES:**

The cost of implementing this plan is undetermined at this time.

**RECOMMENDATION:**

That the Board approves the *Hybrid Learning Plan* for River Delta Unified School District for the 2020-2021 school year and to give the authority to the Superintendent or her designee to adjust the plan as necessary based on the recommendations from the Sacramento County Public Health Department or Sacramento County Office of Education.

Time allocated: 5 minutes



RIVER DELTA  
UNIFIED  
SCHOOL DISTRICT



# HYBRID LEARNING PLAN 2020-2021





# RIVER DELTA UNIFIED SCHOOL DISTRICT

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

Dear River Delta Families,

First and foremost, I hope all of you and your extended families are safe and healthy. To say we are in challenging times is an understatement. We appreciate your patience as we carefully monitored the impacts of the virus and associated guidelines and developed plans to return to our school campuses.

The education of your children is our number one priority. You, your children, and all the staff in RDUSD have done an extraordinary job adjusting to a total transformation of education as we closed out 2019-20 school year in the midst of a pandemic. Along with the Board of Trustees, Cabinet and Principals, we made the best decisions we could for the health and safety of our students and staff based on our many years of experience working in schools, collaborating frequently with other school districts' administration, and following the guidelines by health experts and state and federal officials. We will continue to monitor developments while also focusing on the beginning this new school year, how the future will look and how we will return to school buildings and classrooms.

Throughout it all, our goal remains to provide as much in-person learning as possible. As an administrative team, we believe nothing can replace face-to-face time with our teachers and support staff. Our hybrid model is temporary and transitional and will require us to be flexible, move smoothly in and out of various learning and teaching environments, and approach our students, families and each other with understanding, concern, and cooperation. Although we never imagined that this pandemic would still be influencing the way we operate schools, we remain committed to giving every student the needed academic support while keeping them safe. Since we do not know what the state of the coronavirus will be in the future, we will monitor and adjust as the circumstances warrant. Our school staffs are prepared to be flexible and accommodating.

Now more than ever, our partnership is vital to the success of students and their educational outcomes. Working together, we will build a strong, safe, and bright future for our school community to help your children/our students be the best they can be.

I thank you for all that you do, your initiative, your caring attitude, your patience and understanding, and for your hard work as our partners through all of this. I look forward to doing what needs to be done to make it the best school year it can be.

Respectfully,

Kathy Wright  
Superintendent  
River Delta Unified School District

*Creating Excellence To Ensure That All Students Learn*

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

## INTRODUCTION

### Purpose

We have created this plan to facilitate our safe return to school because we believe the social, emotional, academic, mental benefits of being present in an educational setting outweighs the risk of physical illness, even during a global pandemic.

### Guiding Principles

1. **QUALITY INSTRUCTION** - Whether distance learning or in-person, quality instruction continues to be the linchpin to the success of the educational programs since coursework delivered through hybrid modalities must continue to be available (on-campus and distance learning) and should meet the same standards as coursework offered only on-campus. We will need to give educators “space and grace” as they work to improve the delivery of the content through multiple modalities.
2. **COMMIT TO EQUITY** - All students have the opportunity to achieve academic success that are accessible, personalized, culturally relevant, and responsive. Schools have a responsibility to be culturally and linguistically responsive and meet the continued needs of ALL students from low-income backgrounds.
3. **ADOPT A WHOLE SCHOOL WELLNESS APPROACH** – Take a systems approach to promoting student academic, social and emotional learning, physical well-being, and college, career, and civic readiness. Adopt a whole school wellness approach to ensure student and adult success in school, work, and community.
4. **PARTNER WITH STUDENTS, FAMILIES, COMMUNITY, AND LABOR GROUPS** – Engage with students, families, community parties, and labor groups to build collective impact and support public health. Maximize the resources of the entire community, including health care, expanded learning, early learning, and family and community partnerships to implement health and safety protocols and to advance alternative learning modalities.
5. **LEARN AND IMPROVE** – Adopt continuous improvement practices and use evidence to guide decision making while aiming to enhance the quality of student learning opportunities. Use data to inform improvement of instructional and school practices. We are committed to working together, leveraging our collective positive effect through advocacy, and sharing best practices and resources. To maximize impact, SCOE and district leaders will establish an infrastructure designed to promote ongoing collaboration and sharing of best practices among districts.

**STUDENT COHORTS**

<p><b>HYBRID (SMALL COHORT) MODEL</b></p> <p>Classes/grade levels would be divided into two smaller cohorts: Cohort A and Cohort B. Cohort A would attend school in-person every Monday and Tuesday and Cohort B would attend school in-person every Thursday and Friday. On Wednesday instruction would be delivered through Remote Learning (RL) for all students. Wednesday was selected as the RL day to allow for proper sanitization and deep cleaning between Cohort A and Cohort B in-person learning sessions.</p>	<p><b>PROTOCOLS</b></p> <ul style="list-style-type: none"> <li>• Students will remain in their cohort at all times, including structured recess and lunch times.</li> <li>• Students are not to share instructional spaces unless thorough cleaning occurs between uses.</li> <li>• Students will have a designated workspace in their classroom solely for their individual use.</li> <li>• Students and staff will not share spaces or supplies.</li> <li>• Outdoor spaces will be utilized as much as possible for instruction and activities.</li> </ul>
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	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
COHORT A	In-Person Learning	In-Person Learning	Remote Learning	Independent Practice/ Asynchronous Learning	Independent Practice/ Asynchronous Learning
COHORT B	Independent Practice/ Asynchronous Learning	Independent Practice/ Asynchronous Learning	Remote Learning	In-Person Learning	In-Person Learning
COHORT A-B	In-Person Learning	In-Person Learning	Remote Learning	In-Person Learning	In-Person Learning

### REMOTE LEARNING BY CHOICE

RDUSD is here to serve our community to the best of its ability. We understand that some students will need to learn from home throughout this pandemic or families may choose to keep their child(ren) at home. We will offer an opportunity for full-time Remote Learning program to all families who actively participated in the Remote Learning program in the Spring and Fall of 2020. This program provides livestreamed instruction into the homes of students who are eligible. These classes will be designed to support students from their homes. Your child may be enrolled in a different RDUSD school than the school they are currently enrolled in if you choose this option. Some elective courses at the secondary level may not be available through this program. We will not require families to state a specific reason why they requested this program but will emphasize that it will not be appropriate in all cases (e.g. in a home with limited or no access).

### SCHEDULES & ROUTINES

#### DROP OFF

**Drop off times will be staggered, see each school site's specific schedule and procedure**

**Protocol:** All sites will create plans to stagger use of common areas including drop off and pick up zones. Students arriving by district-owned vehicles will enter the school campus as directed by school personnel and go to their designated classrooms. Students arriving in personal vehicles will be directed to enter the school campus through the limited but clearly marked and communicated entrance areas. Parents must remain in their vehicles at all times. Students will go to their designated classrooms. Staff members will be present at all times to assist the students.

#### RECESS & LUNCH

- All school bell schedules will be modified to best isolate grade-level cohort groups from each other. All sites will create plans to stagger use of common areas including cafeteria, playgrounds, quads, media centers, multi-purpose room, gymnasium, etc.
- Students may be limited to specific areas depending on the guidelines at the time. This includes hardcourt, play structures and grass areas.
- Students are not allowed to bring personal items from home to use at recess.
- Recess protocols will be dependent on weather.

### PICK UP

**Pick up times will be staggered, see each school site's specific schedule and procedure**

**Protocol:** All sites will create plans to stagger use of common areas including drop off and pick up zones. The front office will be closed to in-person service from 2-3:30pm. Students will be in socially distanced pods while awaiting to be picked up. Students will be dismissed one at a time. Those families picking up by personal vehicles will be directed by staff members to the limited but clearly marked and communicated pick up areas. Parents must wait their turn in line and remain in their vehicles at all times during pick up. Families should depart from campus as soon as their child(ren) are safe and secure in their vehicle.

### MOVEMENT

- Pedestrian traffic flow patterns for each school will be mapped out and shared with staff and families prior to the first day of reopening schools.
- Signage denoting pedestrian traffic patterns will be posted.
- Students and staff will be expected to follow these patterns during all daily transitions.
- Time will be provided for hand washing/sanitizing prior to and after transitions.
- Reasonable attempts will be made to minimize student transitions throughout the day and/or between classrooms.

## **SCREENING**

To help prevent the spread of Covid and reduce the potential risk of exposure to our employees, RDUSD is expecting the following protocols to be practiced daily.

**STUDENT & STAFF HOME CHECKS:** Prior to leaving for school each day, families are strongly encouraged to take the temperature of their children daily before they leave their homes for school. Any child with a fever of 100.4 F or higher must stay home, notify the school nurse, and seek a medical doctors' advice for being tested for COVID-19 and quarantined. Symptomatic individuals must be symptom-free for 72 hours before they will be allowed to return to the school's campus. Staff members with notable symptoms while at home will be expected to report them to their supervisor and remain at home.

Parents should also screen their children for common COVID-19 symptoms such as:

- Cough
- Shortness of breath
- Sore throat
- Muscle pain
- Chills
- Fatigue
- Loss of taste and/or smell
- Nausea or vomiting
- Congestion or runny nose
- Known close contact with a person who is lab-confirmed to have COVID-19.

Students experiencing these symptoms must not attend school.

**STUDENT ENTRY POINT CHECKS:** School employees will serve as designated screeners for all students and non-employees at the designated entry points at each school site. Our screeners will use an infrared, non-contact thermometer. A temperature check will be conducted for all persons entering the campus. The maximum temperature for someone to be admitted to the campus is 100.3 degrees Fahrenheit. A person with a temperature of 100.4 degrees or higher will be sent home and advised to seek a medical doctors' advice for being tested for Covid and quarantined. Symptomatic individuals must be symptom-free for 72 hours before they are allowed to return to the school's campus.

**BUS STOP CHECKS:** Eligible bus riders will be screened for body temperature daily. Any child with a fever of 100.4 F or higher will not be allowed to board the school bus. If the sick child is 12 years old or younger, a parent or older sibling must take him/her home and consult with the doctor. If there is no family member available for the child, the bus driver will place a mask on the child, seat them in an isolated seat in the front of the bus and transport them to the nearest school on the route. The student will be placed in the care of the school nurse or principal.

**DURING SCHOOL HOURS:** The school nurses will provide teachers and staff with a quick reference sheet to use when a child appears to be sick or self-reports that he/she is not feeling well. The teachers and staff will follow the site-based protocols established by the school nurse for reporting the case of illness. Staff who report to the front office with COVID-19 symptoms will be allowed to go home without being docked sick leave for that day. Students who report to the front office with COVID-19 symptoms will be immediately relocated to the Care Room on site for isolation. The school nurse or principal will evaluate the individual using the COVID-19 Screening Flowchart.

**REGULAR COVID TESTING FOR STAFF:** In partnership with Sacramento County Office of Education, RDUSD will have no-cost Covid testing available for all staff members weekly. The day of the week and timeframe will be communicated to all staff members as soon as it is provided to the District.

### PROTECTIVE GEAR

Protective gear is not a substitute for social distancing or proper hygiene. In order to minimize exposure to COVID- 19, protective gear is needed to prevent certain exposures.

- **FACE COVERINGS:** Face coverings are an essential part of community protection, as well as personal hygiene, social distancing, and frequent cleaning efforts. Masks are required for Grades 3-8 and all adults. All face coverings will be in compliance with the Board-adopted dress code. *Those not adhering to face covering protocols will not be allowed on school premises.*

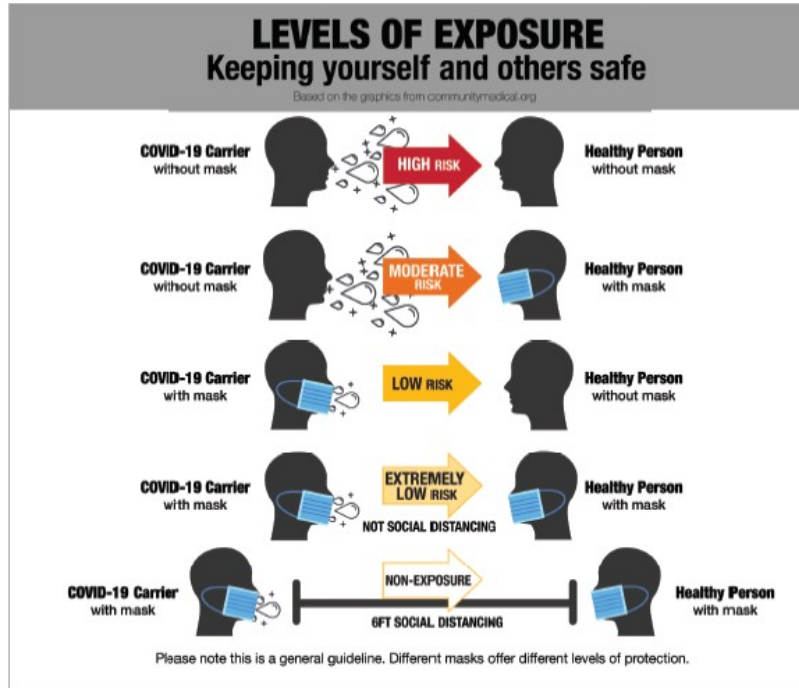
*Everyone on campus must wear masks*, with the following exceptions:

- Grades TK-2 students while seated at their desks
- When students are engaging in outdoor physical activity socially distanced
- **In limited situations**, where face coverings cannot be used for pedagogical or developmental reasons, (i.e., communicating or assisting young children or those with special needs) a **face shield** can be used by staff in the classroom instead of a cloth face covering as long as the wearer maintains physical distance from others. Staff must return to wearing a face covering outside of the classroom.



- Administrative employees when they are seated behind their desks and not in the presence of others
- Teachers, aides, and other support personnel when not in the presence of others

### WHY WEAR A MASK?



*This illustration is based on recommendations from the Centers for Disease Control and California Department of Public Health.*

### Do's and Don'ts with Masks:

#### DO

- ✓ Cover mouth and nose fully
- ✓ Ensure your mask fits snug against the sides of your face
- ✓ Secure to prevent slipping
- ✓ Avoid touching your face as much as possible
- ✓ Always store your mask in a clean place
- ✓ Keep your mask clean
- ✓ Clean hands with soap and water or hand sanitizer immediately, before putting on, adjusting, touching, or after taking your mask off
- ✓ Remove your mask for meals, snacks, naptime, and outdoor activities

#### DON'T

- ✗ Share your mask with anyone else. You should be the only one using your mask
- ✗ Pull your mask below your nose or chin while wearing it
- ✗ Forget your mask!

- **Gloves: *All custodians and food services personnel must wear gloves.*** Other staff are required to wear gloves when cleaning or in direct contact with a student that is ill or adjusting mask. Touching your face with contaminated hands, whether gloved or not, poses a significant risk of infection. Wearing gloves does not diminish the need to wash your hands. Please remember to wash your hands properly as it is the most effective defense against any virus. Additionally, the proper removal of gloves reduces the risk of being exposed to contamination.

In addition to using PPE, please remember to:

- Wash your hands often with soap and water for at least 30 seconds. Use hand sanitizer with at least 70% alcohol if soap and water are not available
- Avoid touching your eyes, nose, and mouth
- Cover your mouth and nose or use the inside of your elbow when you cough or sneeze

### CLASSROOM MANAGEMENT

- Social distancing rules will be taught, reinforced and enforced throughout the school day
- Open windows, if possible
- Avoid sharing learning materials and supplies; if sharing is necessary, cleaning and disinfecting between uses
- Increased use of outdoor spaces for instruction
- Implement procedures for turning in assignments that minimize student contact
- Student desks must be arranged to be facing in the same direction and to maximize the distance between each desk
- Additional rugs and furniture should be removed to allow space for the spacing of student desks
- Visitors or classroom volunteers will not be permitted in the classrooms
- In the event snacks or lunch is served in the classroom, students are not allowed to share food or drinks

### TRANSPARENT BARRIERS

- Installed in all school offices
- Installed in any indoor space where six feet of physical distancing cannot be achieved based on site-specific plans

### PROPER HYGIENE PRACTICES

#### HEALTH EDUCATION

- Teachers will provide short lessons to their students on recommended health education topics that are related to good hygiene habits and will teach them in whatever manner they deem most appropriate for their students.
- Teachers and staff will be provided with a link to an online course on the recommended ways to contribute to the cleaning and sanitation of their classroom, classroom equipment, and supplies.
- Site-based leadership classes will be engaged in planning and preparing site-based messaging for social distancing protocols and proper hygiene practices.

#### HAND WASHING

- All students and staff will be encouraged and reminded to wash their hands regularly.
- Proper handwashing and covering of cough and sneeze will be taught and reinforced with all staff and students.
- Proper handwashing procedure visual aides will be posted by all sinks.
- Handwashing will be encouraged prior to transitions.
- Adequate supplies for healthy hygiene practices such as soap, hand sanitizer, and paper towels will be provided.
- Resources
  - K-3: <https://www.youtube.com/watch?v=S9VjeIWLnEg>
  - 4-12: <https://www.youtube.com/watch?v=B3eq5fLzAOo>
  - How Do Germs Get in the Body? <https://www.youtube.com/watch?v=AYhPftJwvj0>
  - Good Germs vs. Bad Germs <https://www.youtube.com/watch?v=qDluMg9lqn8>

#### HAND SANITIZER

- Hand sanitizer can be used by students and staff if handwashing is not an option.
- Ethyl alcohol-based hand sanitizers are preferred and should be used.
- Do not use hand sanitizer that contain or may contain methanol.

### CLASSROOM SUPPLIES & MATERIALS

- Schools will limit the sharing of supplies and materials between students and disinfect them between uses if sharing is unavoidable.
- Students will have their own designated desk with their own supplies to use.
- Students are welcome to bring their own supplies from home.

### PHYSICAL DISTANCING

**SCHOOL OFFICES:** The pathway leading up to the office door will be marked with waiting spots that are six feet apart for parents and students.

### TRAFFIC FLOW

- For private vehicles, schools will design a site-specific plan that allows for student drop off to stagger drop off and abide by social distancing protocols.
- For foot traffic, schools will map out the traffic flow for common spaces and share their plan with staff and families. Signage will denote the proper flow of foot traffic. Students and staff will follow these patterns during all daily transitions.

**CARE ROOM:** Each site will identify and use a Care Room for students that exhibit symptoms during the school day. The Care Room will be located in an area that can be monitored by an adult at all times.

### TRANSPORTATION

**SPACING:** One student per seat, staggered every other seat, unless seated with a family member or with others who they have been in close contact with during the quarantine. The spacing and social distancing of students in the busses/vans/cars is subject to change based on the guideline from the County Public Health Officials. Windows will be partially open when weather permits.

**ELIGIBILITY:** During the Covid-19 crisis, there will be a very limited number of students eligible to take advantage of the transportation services from the district. Students will be identified based on greatest need. Any violation of the bus conduct and safety rules will immediately eliminate a student of his/her bus eligibility. All eligible students will be issued a bus pass. A parent/guardian or siblings who are 14 years or older will remain with students 12 years or younger at the bus stop until the students have been cleared to board the bus. Parents will provide the bus driver with the contact information of three emergency contacts that will respond immediately if a student begins exhibiting symptoms while in route. Failure to respond immediately will result in the immediate removal of bus riding privileges.

**CLEANING SCHEDULE:** The District vehicles will be cleaned by the driver after each trip.

**CLASSROOMS**

**SPACING:** All student desks will be positioned 6 ft apart.

**NUMBER OF STUDENTS:** The number of students that can be allowed to attend at one time is determined by the size of the room and being positioned 6 ft apart.

**COVID SYMPTOMS & CASE RESPONSE**

*Steps to Take in Response to Confirmed/Suspected COVID-19 Cases and Close Contacts (TABLE 1)*

SCENARIO	IMMEDIATE ACTIONS	COMMUNICATION
<p><b>SCENARIO 1:</b> A student or staff member either answers “yes” to a health screening question</p> <p><b>-OR-</b></p> <p>Exhibits the following COVID-19 <a href="#">symptoms</a></p>	<ul style="list-style-type: none"> <li>Student/staff are isolated at the site until they can be sent home or to a healthcare facility per <a href="#">CDPH</a> guidance</li> </ul> <p><b>To return to school:</b> Wait at least 10 days after symptom onset AND 24-hours after symptoms begin to improve AND at least 24 hours without a fever (without the use of fever reducing medications).</p> <p><b>-OR-</b></p> <p>If medical attention is needed, the individual should contact their healthcare provider. The healthcare provider will determine if the individual needs a COVID-19 test.</p> <ul style="list-style-type: none"> <li>If student/staff tests positive, see Scenario 3.</li> <li>If student/staff tests negative, see Table 2 below.</li> <li>In addition, the individual may have a medical note by a physician that provides an alternative explanation for symptoms and reason for not having a COVID-19 test (e.g., seasonal allergies)</li> </ul> <p><b><u>School site will remain open</u></b></p>	<p>COVID-19 symptoms letter provided to individual or individual’s guardian</p>
<p><b>SCENARIO 2:</b> A family member or someone in close contact with a student or staff member (<b>outside the school community</b>) tests positive for COVID-19</p>	<ul style="list-style-type: none"> <li>Student/staff sent home</li> <li>RD &amp; COVID-19 School Liaison notified</li> <li>Student/staff instructed to quarantine/monitor for symptoms, even if they test negative, <b>for a full 14 days after:</b></li> </ul> <p>The date of last exposure to a COVID-19 positive non-household contact</p> <p><b>-OR-</b></p> <p>The date COVID-19 positive household member completes their isolation</p> <ul style="list-style-type: none"> <li>If student/staff begin to show COVID-19 like symptoms, it is recommended to be tested.</li> <li>If student/staff test positive, see Scenario 3</li> </ul> <p><b><u>School site will remain open</u></b></p>	<p><b>Student (Guardian) or Staff:</b> Immediately notify the COVID-19 School Liaison if they are defined as a close contact of a confirmed case</p>

<p><b>SCENARIO 3:</b> A student or staff member tests positive for COVID-19</p>	<ul style="list-style-type: none"> <li>• Student/staff sent home, if not already at home</li> <li>• School administration, RD and county COVID-19 School Liaison notified</li> <li>• Public Health – School Unit (PHSU) notified</li> <li>• Close off and clean any areas used by the person who tested positive, per <a href="#">CDPH</a> and <a href="#">CDC</a> guidance</li> <li>• <b>Student/staff that tested positive:</b> will isolate for 10 days after symptom onset or test date</li> <li>• <b>School-based close contacts:</b> identified and instructed to self-quarantine and monitor symptoms for 14 days.</li> </ul> <p>If close contacts begin to show COVID-19 like symptoms, it is recommended to be tested. Testing does <b>not</b> shorten 14-day quarantine</p> <ul style="list-style-type: none"> <li>• <b>School site will remain open.</b></li> </ul>	<p><b>COVID-19 positive</b></p> <p><b>Individual:</b> Notify school administration and/or COVID-19 School Liaison immediately</p> <p><b>School Site:</b></p> <ul style="list-style-type: none"> <li>• Contact PHSU</li> <li>• Close Contact letter and Self-Quarantine Instructions sent to school close contacts within 48 hours.</li> <li>• Confirmed COVID-19 case notification sent to school community</li> </ul>
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Steps to Take in Response to Negative COVID-19 Test Result (TABLE 2)

SCENARIO	IMMEDIATE ACTIONS	COMMUNICATION
<p><b>SCENARIO 1:</b> A student or staff member tests negative for COVID-19 after Scenario 1 (symptomatic)</p>	<ul style="list-style-type: none"> <li>• Student/staff may return to school after 24 hours with no fever (without fever reducing medicine) and improvement in other symptoms.</li> </ul>	<p>Student family/staff to bring evidence of negative COVID-19 test or medical note if testing not performed</p>
<p><b>SCENARIO 2:</b> A student or staff member tests negative after Scenario 2 (close contact)</p>	<ul style="list-style-type: none"> <li>• Student/staff must remain in quarantine <b>for a full 14 days after:</b> <ol style="list-style-type: none"> <li>1. The date of last exposure to COVID-19 positive non-household contact</li> </ol> <p style="text-align: center;">-OR-</p> <ol style="list-style-type: none"> <li>2. The date that COVID-19 positive household member completes their isolation</li> </ol> </li> </ul>	<p>No action is needed</p>
<p><b>SCENARIO 3:</b> A student or staff member tests negative after routine surveillance testing (no symptoms and no close contact to a confirmed COVID-19 case)</p>	<ul style="list-style-type: none"> <li>• Can return to school/work immediately</li> </ul>	<p>No action is needed</p>

(†) A contact is defined as a person who is <6 feet from a case for >15 minutes. In some situations, it may be difficult to determine whether individuals have met this criterion and an entire cohort or other group may need to be considered exposed, particularly if they have shared time indoors.

(††) A cohort is a stable group with fixed membership that stays together for all courses and activities (e.g., lunch, recess, etc.) and avoids contact with other persons or cohorts.

Chart sourced from **COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year** July 17, 2020

**RETURN GUIDELINES:** If diagnosed with COVID-19, student or staff may return to school when all criteria are met:

1. At least 3 days (72 hours) passed since recovery (no fever without the use of fever-reducing medications and improvement in respiratory symptoms); and at least 10 days have passed since symptoms first appeared.
2. Improved respiratory symptoms
3. Resident county HHS confirms release to return safely to work

*\*If you have symptoms that could be COVID-19 and do not get evaluated by a medical professional or tested for COVID-19, it is assumed that you have COVID-19 and may not return to school until the three criteria listed above have been met.*

### COMMUNICATION GUIDELINES

Guidelines for communication when a student or a students' family member tests positive for COVID:

- When a student or a students' family member tests positive for COVID, the parent will inform the principal or school nurse immediately
- The principal or designee will immediately contact public health to initiate appropriate practices per county HHS guidelines, and then will communicate with the school's regional director
- Close classroom, office, or space where the community member was based. Space will not be used until after thorough cleaning and disinfecting
- The affected party will not return to campus until cleared to return to school by their physician per county public health directives
- A positive test result by a student of a cohort could result in the entire cohort moving to Remote Learning for a period of fourteen days from diagnosis
- Any siblings or household members of a community member who tests positive for COVID will also move to Remote Learning until they are cleared to return to school by their physician per county public health directives
- If multiple cohorts are impacted, the school could be required to move to distance learning for a 14-day period. Any decision to move the school to Remote Learning will be made in collaboration with the Superintendent and county public health officer
- The school will communicate a positive test result per county health directives
- If a cohort or the school moves to Remote Learning for any period of time, the school will sanitize spaces used by the cohort or cohorts per CDC guidelines
- Support students who are at higher risk for severe illness or who cannot safely distance from household contacts at higher risk by providing options for distance and/or independent learning

**School Closure and Subsequent Reopening:** River Delta Unified School District, in consultation with Public Health, will determine if a partial or full school closure is needed based on guidance and recommendations from CDPH. Please refer to the most current guidance, currently as follows:

**State Criteria for Allowing In-Person Instruction ([as of July 17, 2020](#)):**

- **Closure:** A school must close in-person instruction if the County is identified for Purple Tier (Widespread). If the County is identified for Purple Tier 1, schools must conduct distance learning until the county has been in Tier 2 for 14 consecutive days. If the County is identified in Purple Tier 1, Superintendents (in consultation with labor, parent, and community organizations) may request a waiver from County Public Health Officials for elementary schools for in-person instruction.
- **Reopening:** The school can reopen in-person instruction after the County has moved from Purple Tier 1 (widespread) into Red Tier 2 (Substantial) and remains there for 14 consecutive days.

**Local Criteria for Closure and Re-opening in response to COVID-19 Cases:**

- **Individual School Closure:** Closure is recommended based on the number of cases, the percentage of the teacher/students/staff that are positive for COVID-19 following consultation with the County Health Officer. For example, school closure may be appropriate in any of the following scenarios:
  - Multiple cases in multiple cohorts at a school
  - There are at least 10 cases or 5 percent of the total number of teachers/student/staff cases within a 14-day period, depending on the size and physical layout of the school.
  - Public health investigation or other local epidemiological data results in the County Health Officer recommending school closure.
- **School District Closure:** Closure by the Superintendent is recommended when 25% or more of schools in a district have closed due to COVID-19 within 14 days, and in consultation with the local public health department.
- **Reopening:** Public Health and the school will be in communication throughout this process. School and school districts can typically reopen after 14 days and the following:
  - Cleaning and disinfection have occurred.
  - Public health investigation is complete.
  - Local public health is consulted and has no concerns with re-opening.
- Principals, in consultation with the District, will notify the school community about reopening of schools.



**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
**SECTION 2: HEALTH & SAFETY PROTOCOLS - Continued**

**SANITATION:** The safety of our employees and students are our first priority. Upon reopening, our schools have been completely cleaned and disinfected, and we will continue to adhere to all necessary safety precautions. Sites have considered the CDC guidelines for reopening buildings after an extended closure. In addition to the deep clean of the office and school before employees and students return, the steps outlined below will routinely serve to protect everyone and reduce the risk of spread of infection.

**Cleaner:** When choosing disinfecting products, use the approved for use against COVID-19 on the Environmental Protection Agency (EPA) approved list (“N”).

**General Disinfection Measures**

Category	Area	Frequency
<b>Workspaces</b>	Classrooms, Offices	At the end of each use/day
<b>Appliances</b>	Refrigerators, Microwaves, Coffee Machines	Daily
<b>Electronic Equipment</b>	Copier machines, Computer Monitors, Televisions, Telephones, Keyboards	At the end of each use/day and/or between use
<b>General Used Objects</b>	Handles, Light Switches, Sinks, Restrooms	Daily
<b>Common Areas</b>	Cafeteria, Library, Conference Rooms, Gyms, Common Areas	At the end of each use/day; between groups

**SHARED SPACES:** Employees are encouraged to disinfect their workspace multiple times throughout the day, giving special attention to commonly touched surfaces. Our site has alcohol-based hand sanitizers and cleaning products accessible throughout the workplace to disinfect frequently touched objects and surfaces such as telephones and keyboards. The site custodial team will clean all workspaces at their designated cleaning time and all rooms will be disinfected each evening. When necessary, trained custodial staff will disinfect identified spaces with electrostatic foggers. Proper equipment such as acceptable disinfectant and PPE will be used when cleaning individual workspaces.

There will be limited access to certain workspaces to reduce exposure to risks and ensure employee safety. Workspace usage is as follows:

**Office Capacity** – Staff will self-monitor the number of persons in the office and will decide when it is safe to enter.

**Conference Rooms** – Certain conference rooms will be closed until further notice. Signage indicating closure/capacity limits will be placed on conference room doors. All meetings are required to use Zoom as a virtual option, even for employees in the same office or school.

**Breakrooms or Teacher Lounge/Multipurpose Room** – These spaces will be closed for use until further notice. This includes the use of shared appliances such as coffee machines, refrigerators, and microwaves.

**Copy Room** – There will be limited access to the copy room. Signage indicating restrictions will be posted as each phase is implemented. Staff will self-monitor the number of persons in the Copy Room and will decide when it is safe to enter.

The custodial staff will be supplied with proper sanitation supplies and follow the CDC guidelines for sanitizing all areas of the school campus and will ensure that soap and paper towels supplies are carefully monitored and refilled in all locations of the school.

### **HVAC & Air Circulation Considerations**

- Introduce fresh outdoor air as much as possible
- Open windows as much as possible
- Check and clean air filters to ensure proper air quality and circulation
- Ensure proper ventilation during cleaning and disinfecting
- Allow sufficient air ventilation of student spaces when cleaning prior to student arrival
- Plan as much cleaning when students are not present

### GRADE LEVEL CONTENT AREA STANDARDS

Instruction for all grade level content area standards are expected to be delivered to all students through in-person and/or an online platform. At this time, the California Department of Education has not released a reduced list of standards for teachers to use to guide the planning and delivering of their instruction. No reinforcement assignments, activities, and projects will be assigned to a student without the student having the opportunity to receive instruction from his/her teacher.

Core content area instruction will be covered during the in-person instruction days. Additional areas of instruction will be covered on the days when all teachers, support staff, and students are engaging in Distance Learning. Counselors will co-facilitate the social emotional learning lessons.

### ACADEMIC CONTINUITY

Successful and rigorous learning requires that RDUSD expects teachers to lean into the best teaching practices while promoting student pride and ownership in the product of their work.

Each teacher will work to establish conditions where students have a clear sense of purpose, opportunities to express themselves, and experiences that allow them to work toward mastery. This will help students stay motivated and engaged in learning, even when they are not physically at school.

In the Hybrid and Remote Learning program, RDUSD teachers will be designing and delivering:

- direct instruction (instruction provided live and directly by an RDUSD educator)
- guided practice opportunities (learning opportunities provided to students with guided live support by an RDUSD educator)
- independent opportunities (self-guided learning opportunities where students work independently on assigned activities).

These three components will be planned and delivered in coordination, as they are essential components of effective instruction.

The following chart offers examples of instructional opportunities that will be provided by teachers as well as the learning modalities that can be used to aid instruction. *Please note: these are examples and not a comprehensive list.*

Instructional Components	What does it look like?	What tools do we use?
Engagement	Brainstorming Asking Questions Accessing Prior Knowledge	Google Classroom Zoom FlipGrid WeVideo Curriculum Based Resources Teacher Created Videos
Exploration	Research Watch Videos Read Articles Offline Task Discuss	Web Searches Google Classroom questions Google Hangout Shared slide decks Curriculum Based Resources
Explanation	Direct Instruction	Google Meet (shared screen) Google Hangout Screencastify Zoom FlipGrid Curriculum Based Resources
Elaboration	Guided Practice Opportunities Making Connections Applying Learning to new situations Explaining how Student-Created study materials and resources	Shared Google Docs, slides, Prezis FlipGrid Kahoot! Curriculum Based Resources

**INSTRUCTIONAL EXPECTATIONS**

**IN-PERSON LEARNING:** Students will be provided direct live instruction two days a week which will cover content equivalent to four instructional days. All core content area lessons will be specially designed to include instruction aimed at mastery of Integrated English Language Development (ELD) standards. Designated ELD instruction will be provided daily.

**INDEPENDENT PRACTICE/ASYNCHRONOUS LEARNING:** Students will be provided self-guided learning opportunities where students work independently on assigned activities. Student will be provided all independent practice assignments that are directly associated with the direct live instruction they receive during their in-person learning days. These assignments are expected to be completed when they are not present at the school site for in-person learning days. This work will not replace the direct instruction and guided practice work taking place during the school day.

**REMOTE LEARNING (WEDNESDAYS):** Our students will be provided direct instruction and independent practice on Wednesday. Students will receive their live instruction through Zoom and access their assignments and learning activities through Google Classroom.

Instruction will be recorded and posted to each Google Classroom as a resource for students needing support as well as students who are unable to access live instruction during the designated block of time it is provided. Recorded lessons will be provided to all students who do not have access to the internet. Those students will be provided an extension for response to assignments and prompts equivalent to the length of time for which they do not have access.

Teachers will provide an independent practice assignment to students that is related to the direct live instruction they provided remotely. This work will not replace the direct instruction and guided practice work taking place during the school day.

**DIFFERENTIATED INSTRUCTION:** Differentiation will be easier with less students in person per day. Teachers will be included in the formation of the cohort to provide input on separating students; however, all parties acknowledge that transportation needs are the first priority. Each school site will utilize its established Multi-Tiered Systems of Support (MTSS) in a variety of capacities.

**GRADING/EVALUATION:** It is our goal to ensure equitable access of all instruction and materials to all students, so we can hold all students accountable for their learning work products. Understanding the current status of each student's home environment status, particularly in regard to connectivity, is now a major focal point of our teachers' instructional planning.

Student will be graded on material for which they have been provided direct instruction. If a child does not have access to direct instruction opportunities on Wednesdays, they will be provided opportunities to view recorded instruction and receive clarification, tutorials, questions and support during office hours. Students will be provided an extension of time to match the duration of time missed from the initial lesson to the time of the student being provided access to the lesson and opportunities for support. If a student is not provided access to the material and adequate opportunities for support, they will not be graded on the material.

**ASSESSMENT:** Students will be provided formative and summative assessments to evaluate student progress, comprehension and mastery of content. Projects, presentations and collaborative work will be assigned by teachers as appropriate to align with subject matter. Teachers will be utilizing the following assessment prior to, during and after delivering their high-quality instruction:

- Pearson
- Interim Benchmarks
- STAR/AR
- Lexia
- IXL
- MAP
- SIPPS
- Think Central
- Wonders Diagnostic
- Corrective Reading
- Read Naturally

**PROFESSIONAL DEVELOPMENT:** Training for all staff members on the following topics have been identified as the most urgent needs:

- Implicit Bias
- Culturally Responsive
- Racial Sensitivity
- Digital Community Building
- Designated and Integrated English Language Development (ELD)
- Mindfulness

The following have been identified as the most effective ways to deliver professional development to our staff:

- Grade level collaboration
- Site level collaboration
- Interest-based groups

### **OUTDOOR ACTIVITIES**

The site principals will designate outdoor areas that are allowed to be used, based on social distancing protocols. Each area will only be used by one cohort/class at a time on a rotating schedule.

Each school will schedule outdoor eating as much as possible, when weather permits it.

The site principals will develop a Rainy Day Recess Schedule that adheres to the social distancing protocols.

The outdoor spaces will be optimized and utilized whenever possible. The use of play structures, permanent and mobile communal equipment will be prohibited.

Teachers have the option to open classrooms for students as always.

### **TRANSITION SCHEDULES**

Each school may decide to schedule Physical Education activities in stations for early arrivers, transition times and recess.

Labeled locations for transition times will be marked at each school site.

In the secondary schools, passing periods times will be increased to allow time for the staff to assist the custodial staff in sanitizing high touch areas and furniture.

### **EXTRACURRICULAR ACTIVITIES**

A RDUSD 'Return to Athletics' Plan was developed that promotes a phased approach to reopening of sports, clubs and activities.

Field trips are not permitted until further notice.

Each site will explore the idea of having livestreamed assemblies and/or rallies.

Club leaders with groups of 10 people or more are encouraged to explore options for digital connection with its membership.

The schools that are awarded the after-school program services will be reviewing and acting upon their guidelines for providing childcare for RDUSD staff members and other Essential Workers in their communities.

### SERVICES

School psychologists and school counselor will provide continued training for students/staff and parents on signs and symptoms and offer tips and advice for addressing the student privately.

Staff will communicate their site-based referral process when they are concerned about a student exhibiting the signs and symptoms that potentially indicate that the student is struggling emotionally and mentally.

On-site staff will provide the parents with facts and current statistics regarding the illness.

Training on distinguishing characteristics and factors of desired behaviors (PBIS) versus disciplining for the violation of Covid-10 protocols will be provided.

### ATTENDANCE

Student attendance is critically important for access to instruction, maintaining our students' mental health and ensuring safety. For these reasons, student attendance will be taken Monday-Friday. The District will design a system that works best for them to take attendance on their students' independent DL days. Students will be given credit for attendance if they watch the recorded version of their teacher's instruction.

### CONNECTEDNESS

The following actions will be implemented in an effort to regain students' connectedness to their school community:

- Maintain consistency with the implementation of site-based Positive Behavior Intervention and Support (PBIS) system
- Provide consistent routine and structure
- Prepare the students for the event of reverting back to full-time Distance Learning
- Train for motivation and accountability



## **SOCIALIZATION**

Staff must continue their efforts to gain and maintain heightened awareness of their students' personal state of mind and home environment conditions to allow for continued support.

The following strategies were identified to increase social distanced socialization:

- Digital socialization
- Zoom Breakout Rooms
- Class Meetings
- Opposite Cohort Buddies/Pen Pals

## **COMMUNITY PARTNERSHIPS**

The District will continue to seek out community partners that are willing to assist with the social, emotional, and mental health of our staff and students.

The District will continue their partnership with Rio Vista Care to offer therapy and support for students and staff members. Rio Vista Care has funds available from Solano County Mental Health to provide teachers mental health education.

The District will continue their partnership with local area colleges' intern programs, to help support students and educate staff.

The school staffs will discuss and explore options for establishing a system for pairing up teachers and students to connect with in a time of need

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2020

Attachments: X

From: Stacy Wallace, Principal of Isleton Elementary  
And Director of RDUSD CA State Preschool

Item no: 14

Type of item: (Action, Consent Action or Information Only): Action

**SUBJECT:**

Request to approve the 2020-2021 California State Preschool Contract CSPP-9404-00 and authorize Katherine Wright, Superintendent, Sharon Silva, Chief Business Officer and Stacy Wallace, Preschool Director to sign the transaction for the Governing Board. To continue the River Delta Unified School District State Preschool at Isleton Elementary.

**BACKGROUND:**

The River Delta Unified School District State Preschool has been under contract with the State of California Department of Education for three years. We are currently starting our fourth year with the program. The RDUSD State Preschool is State funded, we have 13 students currently getting in person early learning and growing numbers of students on distance learning. We have to renew our contract with the state every year in order to keep our funding.

**STATUS:**

**PRESENTER:**

Stacy Wallace, Principal

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

State Funded

**RECOMMENDATION:**

I recommend that the Board approve the RDUSD State Preschool contract for the 2020-2021 school year.

Time allocated: 3 minutes

**California Department of Education (CDE)**  
**DIRECTIONS AND FORMS**  
**FOR**  
**CHILD CARE AND DEVELOPMENT CONTRACTS**

**Please read the entire document carefully. This document contains:**

- Directions for Contract Execution (page 2)
- Issues that will Delay Contract Execution (page 3)
- Resolution/Signature Authority (page 4)
- Sample Resolution (page 5)
- Frequently Asked Questions (pages 6-7)
- Checklist (page 8)
- Contractor Certification Clauses (CCC-04-2017) (pages 9-12)
- California Civil Rights Laws Certification (CO-005) (page 13)
- Federal Certifications CO.8 (page 14-17)
- Contract (page 18-19\* Page 19 is only Funding Information that did not fit on Contract Page)

## DIRECTIONS FOR CONTRACT EXECUTION

1. Review the Funding Terms and Conditions (FT&C), applicable Program Requirements, and the General Terms and Conditions (GTC 04/2017). If you are a State Agency or University, review the General Terms and Conditions for Interagency Agreements (GIA 610).

All of the above can be found at the following link:

<http://www.cde.ca.gov/fg/aa/cd/ftc2020.asp>

2. Print **two (2) copies of this document** beginning with the CCC 04/2017 (pages 9-17), **single-sided only**. Do not alter documents in any way.
  - a. Confirm that the printed pages are legible. If the contract language is cut off at the margin, follow the link below to correct the problem:  
<http://helpx.adobe.com/acrobat/kb/scale-or-resize-printed-pages.html>
3. Have **both** copies of the contract and all required documents filled out completely and signed by the authorized official.
  - Sign documents in **blue ink** only, or via Adobe Acrobat digital signature.  
**Contracts signed in black ink, stamped signatures, or copies will NOT be accepted.**
  - Print name, title, and address where requested.
4. **Public agencies only** - Attach a copy of a resolution by the local governing body authorizing the execution of **each** contract.

- **Contracts will not be executed prior to board approval.**

5. Email Adobe digitally signed contract and documents with certifying statement to **childdevelopmentcontracts@cde.ca.gov**, or mail signed contract and all completed documents *as soon as possible* to:

**Contracts, Purchasing, and Conference Services**  
**California Department of Education**  
**1430 N Street, Suite 2213**  
**Sacramento, CA 95814-5901**

## ISSUES THAT DELAY CONTRACT EXECUTION

The following issues will delay contract execution and payment:

- Documents are unsigned, incomplete, or not returned.
- Contracts are mailed to the incorrect address.
- Contracts are e-mailed without a password protected Adobe Acrobat digital signature and certifying statement.
- The contract is not signed with original signatures in *blue ink*.
- The contract was printed illegibly, double-sided, or formatting has been changed.
- The contract was printed with the left side cut-off and language missing.
- The individual signing the contracts does not have signature authority to enter into contractual agreements with the CDE.

## RESOLUTION/SIGNATURE AUTHORITY

### **PUBLIC AGENCIES**

According to the *State Contracting Manual, Volume 1*, when one of the contracting parties is a county, city, district, or other local public body, the contract shall be accompanied by one of the following documents from the local governing body authorizing execution of the agreement:

- Board resolution; or
- Board minutes; or
- Board policy

Please submit one resolution per contract type.

### **County Offices of Education**

A resolution is not required ***IF*** the County Superintendent signs the contract. If anyone else signs, signature authority is required.

If someone other than the County Superintendent signs the contract, signature authority is required. This can be provided by a resolution or letter on letterhead signed by the County Superintendent.

### **PRIVATE AGENCIES**

Generally, the Executive Director, Owner, President, etc. are the authorized signers. *If an individual with a different title than above signs the contract*, provide one of the following indicating the signee has the authority to enter into and sign contractual agreements with the CDE:

- Letter on company letterhead;
- Board Resolution; or
- Board Minutes

## RESOLUTION

This resolution is adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2020-2021.

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### RESOLUTION # 801

BE IT RESOLVED that the Governing Board of River Delta Unified  
School District

authorizes entering into local agreement number CSPP-9404-00 and  
that the person/s who is/are listed below, is/are authorized to sign the transaction for the  
Governing Board.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
<u>Katherine Wright</u>	<u>Superintendent</u>	_____
<u>Sharon Silva</u>	<u>Chief Business Office</u>	_____
<u>Stacy Wallace</u>	<u>Preschool Director</u>	_____

PASSED AND ADOPTED THIS 13th day of October 2020, by the  
Governing Board of River Delta Unified School District  
of Sacramento County, in the State of California.

I, Marilyn Riley, Clerk of the Governing Board of  
River Delta Unified School District, of Sacramento County, in the  
State of California, certify that the foregoing is a full, true and correct copy of a resolution  
adopted by the said Board at a Regular meeting meeting thereof held at a  
regular public place of meeting and the resolution is on file in the office of said Board.

\_\_\_\_\_  
(Clerk's signature)

October 13, 2020  
(Date)

## FREQUENTLY ASKED QUESTIONS

### **BOARD RESOLUTIONS/SIGNATURE AUTHORITY**

#### **Do I need to provide a resolution and signature authority for an original contract?**

##### **Public Agency**

Yes, you need a resolution authorizing the contract. You also need to provide signature authority for the person signing the contract, if someone other than the Superintendent signs. See the sample provided on the previous page.

##### **Private Agency**

The CDE does not require a resolution from a private agency. However, if an employee who is not the Executive Director, Owner, or President, etc. has signed the contract, signature authority is required. This can be provided by a resolution or letter on letterhead from the Executive Officer.

#### **Do I need a resolution for an amendment?**

If the resolution for the original contract specified the contract amount, a resolution containing the amended contract amount is required.

In addition, signature authority will be required if the person signing the amendment was not included as an authorized signer on the original resolution.

#### **I work for a County Superintendent of Schools. Does my contract need a resolution?**

Because County Superintendents have the authority to enter into contracts without board approval, a resolution is not required *IF* the County Superintendent signs the contract.

If someone other than the County Superintendent signs the contract, signature authority is required. This can be provided by a resolution or letter on letterhead signed by the County Superintendent.

### **CONTRACT COPIES**

#### **Can we e-mail copies of the signed contract?**

No. CDE can only accept contracts with original signatures at this time.

#### **Why do I have to make two copies of the contract?**

So that once the contract is executed, CDE can send you a signed original.

### **FEDERAL ID NUMBER**

#### **What is my Federal ID number?**

An Employer Identification Number (EIN) is also known as a Federal Tax Identification



Number, and is used to identify a business entity. Use this number to fill in the CCC-4/2017 form.

## **PRINTING ERRORS**

### **What is a misprint?**

A misprint occurs when the contract is printed illegibly, double-sided, or a change has been made to the formatting. Common examples are:

- The text on the left margin of the contract has been cut off. Fix problem here:  
<http://helpx.adobe.com/acrobat/kb/scale-or-resize-printed-pages.html>
- Toner issues cause the print to be illegible.
- The contract has been printed double-sided.
- Space has been added or deleted.

If this occurs, and the contract is sent to CDE, you will receive an e-mail asking you to re-print, re-sign and return a correctly printed contract. Contracts that have been altered in any way are unacceptable.

## **CONTACT INFORMATION**

### **When should I contact the Contracts Office?**

If you have a question regarding the status of the contract or questions about any of the attached documents, please contact your Child Care and Development Contract Analyst listed here:

<https://www.cde.ca.gov/fg/aa/cd/directory13.asp>

For counties 01-29, contact Cindy Rodriguez at [CRodriguez@cde.ca.gov](mailto:CRodriguez@cde.ca.gov)  
For counties 30-58, contact Favio Flores at [FFlores@cde.ca.gov](mailto:FFlores@cde.ca.gov)

For questions regarding contract terms such as MDO, MRA, etc., contact the assigned Fiscal Analyst or EESD Consultant listed here:

<https://www.cde.ca.gov/fg/aa/cd/faad.asp>

or

<https://www.cde.ca.gov/sp/cd/ci/assignments.asp>

Direct all contract correspondence to:

**Contracts, Purchasing, and Conference Services  
California Department of Education  
1430 N Street, Suite 2213  
Sacramento, CA 95814-5901**

## CONTRACT CHECKLIST

*Please note that every form is required.*

Contractor name \_\_\_\_\_ Contract # \_\_\_\_\_

Place a check mark next to each item being returned.

- Checklist
- Two (2)** signed (in **blue ink**) child care contracts with original signatures
  - **Did you include your printed name, title, and address?**
  - **Is all of the contract language visible?**
- Two (2)** signed Contractor Certification Clauses (CCC-4/2017)
  - **Did you fill in ALL spaces including Federal ID Number?**
- Two (2)** signed California Civil Rights Laws Certifications (CO-005)
- Board resolution or minutes authorizing execution of contract and/or authorizing delegation of authority (if applicable)

Mail all signed contracts and completed documents *as soon as possible* to:

**Contracts, Purchasing, and Conference Services  
California Department of Education  
1430 N Street, Suite 2213  
Sacramento, CA 95814-5901**

# Contractor Certification Clauses

CCC 04/2017

## CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)	Federal ID Number
---------------------------------------	-------------------

By (Authorized Signature)

Printed Name and Title of Person Signing

Date Executed	Executed in the County of
---------------	---------------------------

## CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,

2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at [www.dir.ca.gov](http://www.dir.ca.gov), and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably

required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

## **DOING BUSINESS WITH THE STATE OF CALIFORNIA**

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and

Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

## **CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION**

Pursuant to Public Contract Code section 2010, if a bidder or proposer executes or renews a contract in the amount of \$100,000 or more on or after January 1, 2017, the bidder or proposer hereby certifies compliance with the following:

1. **CALIFORNIA CIVIL RIGHTS LAWS:** For contracts \$100,000 or more, executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and
2. **EMPLOYER DISCRIMINATORY POLICIES:** For contracts \$100,000 or more, executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

## **CERTIFICATION**

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1. Proposer/Bidder Firm Name (Printed):
2. Federal ID Number:
3. By (Authorized Signature):
4. Printed Name and Title of Person Signing:
5. Date Executed:
6. Executed in the County and State of:

## **FEDERAL CERTIFICATIONS**

### **Certifications regarding lobbying, debarment, suspension and other responsibility matters; and drug-free workplace requirements**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82 “New restrictions on Lobbying,” and 34 CFR Part 85, “Government-wide Debarment and Suspension (Non procurement) and Government-wide requirements for Drug-Free Workplace (Grants).” The Certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

## **1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 34 CFR Part 82, Section 82.105 and 82.110, the applicant certifies that:

- (a.) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
- (b.) If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an employee of Congress, or any employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form –LLL, “Disclosure Form to Report Lobbying,” in accordance with this instruction;
- (c.) The undersigned shall require the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.



## **2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by executive Order 12549, Debarment and Suspension, and other responsibilities implemented at 34 CFR Part 85, for prospective participants in primary or substantive control over a covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110-

A. The applicant certifies that it and its principals:

(a.) Are not presently debarred, suspended proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency:

(b.) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c.) Have not within a three-year period proceeding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

## **3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1998, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Section 85.605 and 85.610-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a.) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b.) Establishing an on-going drug-free awareness program to inform employees about-

- (1.)The danger of drug abuse in the workplace;
  - (2.)The grantee's policy of maintaining a drug-free workplace;
  - (3.)Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4.)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c.)Making it a requirement that each employee to be engaged in performance of the grant be given a copy of the statement required by paragraph (a);
- (d.)Notifying the employee in the statement required by paragraph (a) that as a condition of employment under the grant, the employee will-
- (1.)Abide by the terms of the statement; and
  - (2.)Notify the employer in writing of his or her conviction for a violation;
- (e.)Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants, and Contracts Service, U.S. Department of Education 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;
- (f.) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
- (1.)Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2.)Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency:
- (g.)Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Address:

City:

State:

Zip Code:

Check if there are workplaces on file that are not identified here.

#### **4. DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610

(a.)As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant, and

(b.)If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3) Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

**As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.**

NAME OF APPLICANT:

CONTRACT #:

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:

SIGNATURE:

DATE:



**CALIFORNIA DEPARTMENT OF EDUCATION**

1430 N Street

Sacramento, CA 95814-5901

**F.Y. 20 - 21**

**DATE:** July 01, 2020

**CONTRACT NUMBER:** CSPP-0410

**PROGRAM TYPE:** CALIFORNIA STATE  
PRESCHOOL PROGRAM

**PROJECT NUMBER:** 34-06741-00-0

**LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES**

**CONTRACTOR'S NAME:** RIVER DELTA UNIFIED SCHOOL DISTRICT

This Agreement is entered into between the State Agency and the Contractor named above. The Contractor agrees to comply with the CONTINUED FUNDING APPLICATION FY 20-21, the GENERAL TERMS AND CONDITIONS\* (GTC 04/2017), the STATE PRESCHOOL PROGRAM REQUIREMENTS\*, and the FUNDING TERMS AND CONDITIONS\* (FT&C), which are by this reference made a part of the Agreement. Where the GTC 04/2017 conflicts with either the Program Requirements or the FT&C, the Program Requirements or the FT&C will prevail.

Funding of this Agreement is contingent upon appropriation and availability of sufficient funds. This Agreement may be terminated immediately by the State if funds are not appropriated or available in amounts sufficient to fund the State's obligations under this Agreement.

The period of performance for this Agreement is July 01, 2020 through June 30, 2021. For satisfactory performance of the required services, the Contractor shall be reimbursed in accordance with the Determination of Reimbursable Amount section of the FT&C, at a rate not to exceed \$49.85 per child day of full time enrollment and a Maximum Reimbursable Amount (MRA) of \$304,359.00.

**Service Requirements**

Minimum Child Days of Enrollment (CDE) Requirement 6,105.0

Minimum Days of Operation (MDO) Requirement 244

Any provision of this Agreement found to be in violation of Federal or State statute or regulation shall be invalid, but such a finding shall not affect the remaining provisions of this Agreement.

Items shown with an asterisk (\*) can be viewed at <https://www.cde.ca.gov/fg/aa/cd/ftc2020.asp>

<b>STATE OF CALIFORNIA</b>		<b>CONTRACTOR</b>			
BY (AUTHORIZED SIGNATURE)		BY (AUTHORIZED SIGNATURE)			
PRINTED NAME OF PERSON SIGNING Jaymi Brown,		PRINTED NAME AND TITLE OF PERSON SIGNING			
TITLE Contract Manager		ADDRESS			
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 304,359	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs		FUND TITLE General		Department of General Services use only
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 0	(OPTIONAL USE) 0656 23038-6741				
TOTAL AMOUNT ENCUMBERED TO DATE \$ 304,359	ITEM 30.10.010. 6100-196-0001	CHAPTER B/A	STATUTE 2020	FISCAL YEAR 2020-2021	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.		B.R. NO.	
SIGNATURE OF ACCOUNTING OFFICER		DATE			
OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-6105 Rev-8590					