

# 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:

**September 13, 2022**

**Walnut Grove Elementary School ♦ 14181 Grove Street, Walnut Grove, CA**

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

**Listen in English: Meeting ID: 944 4979 3850      Passcode: 961029**

### REGULAR MEETING AGENDA

1. Call the Open Session to Order (@ 5:30 p.m.)
2. Roll Call
3. Review Closed Session Agenda (see attached agenda)
  - 3.1 Announce Closed Session Agenda
  - 3.2 Public Comment on Closed Session Agenda Items Only
4. Approve Closed Session Agenda and Adjourn to the **Closed Session** (@5:35 p.m.)  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Time: \_\_\_\_\_
5. Reconvene to Open Session (@ approx. 6:30 p.m.) Time: \_\_\_\_\_
  - 5.1 Retake Roll Call  
Member Mahoney \_\_\_\_; Member Riley \_\_\_\_; Member Casillas \_\_\_\_;  
Member Lamera \_\_\_\_; Member Apel \_\_\_\_; Member Jelly \_\_\_\_; Member Stone \_\_\_\_
  - 5.2 Pledge of Allegiance
6. Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1) – Board President Stone
7. Review and Approve the **Open Session** Agenda  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

#### 8. Public Comment:

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

#### 9. Reports, Presentations, Information

- 9.1 Board Member(s) and Superintendent Report(s) and/or Presentation(s) –
  - 9.1.1 Board Members' report(s)

- 9.1.2 Committee report(s)
    - 9.1.2.1 Committee Meeting 2 X 2 with the City of Rio Vista
  - 9.1.3 Superintendent Wright's report(s)
    - 9.1.3.1 Recognition of the Teacher of the Year, Gabino Perez
    - 9.1.3.2 Recognition of the California State Employees Association (CSEA), Christy Ramirez
  - 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 – Tammy Busch, Assistant Superintendent of Business Services; Ken Gaston, Directors of MOT
    - 9.2.1 Monthly Financial Report – Tammy Busch, Assistant Superintendent of Business Services
    - 9.2.2 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT
    - 9.2.3 HKIT Architects to Present an Update on Designs for Rio Vista High School's New Classrooms and Delta High School/Clarksburg Middle School's Cafeteria Modernization Projects – Tammy Busch, Asst. Superintendent of Business Services
  - 9.3 Education Services' Reports and/or Presentation(s) – Nancy Vielhauer, Assistant Superintendent of Educational Services, Tracy Barbieri, Director of Educational Services and Special Education
    - 9.3.1 Educational Services Update – Nancy Vielhauer, Assistant Superintendent of Educational Services
    - 9.3.2 Social Emotional Learning - Health and Wellness Plan Update – Jennie Gornto, SEAD Coordinator
    - 9.3.3 Summer Bridge Program Presentation – Gabino Perez, Summer School Principal
    - 9.3.4 Special Education Update – Tracy Barbieri, Director of Special Education
  - 9.4 River Delta Unified Teacher's Association (RDUTA) Update – Chris Smith, RDUTA President
  - 9.5 California State Employees Association (CSEA) Chapter #319 Update – David Groves, CSEA President
10. **Consent Calendar**
- 10.1 Approve Board Minutes
    - Regular Meeting of the Board, August 9, 2022
  - 10.2 Receive and Approve Monthly Personnel Reports
    - As of August 29, 2022
  - 10.3 District's Monthly Expenditure Report
    - August 2022
  - 10.4 Request to Approve the Contract with Document Tracking Services for the 2022-2023 School Year to Create a Variety of District Documents Including the School Accountability Report Cards (SARC) and Single Plan for Student Achievement (SPSA) at a cost not to exceed \$4,650 – Educational Service Funds - Nancy Vielhauer, Asst. Superintendent of Educational Services
  - 10.5 Request to Approve the Contract with Frontline Education an Employee Management System for the remaining of FY 2022-2023 at a cost not exceed \$14,411.88, General Fund – Tammy Busch, Assistant Superintendent of Business Services
  - 10.6 Request to Approve the A-G Completion and Improvement Grant Plan - Nancy Vielhauer, Assistant Superintendent of Educational Services
  - 10.7 Donations to Receive and Acknowledge:
    - River Delta Unified School District**
    - Delta Moose Lodge – School Supplies (approx. \$200)

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

**Action Items -- Individual speakers shall be allowed three minutes to address the Board on any agenda item. The Board shall limit the total time for public presentation and input on all items to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have

something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration.

11. Request to Approve the Second and Final Reading of the Updated or New Board Policies, Administrative Regulations and Exhibits Due to New Legislation, Mandated Language and/or Citation Revisions as of June 2022 – Katherine Wright, Superintendent  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

12. Request to Approve the Provisional Internship Permits as authorized by the Commission on Teacher Credentialing for 2022-2023 school year – Katherine Wright, Superintendent  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

13. Request to Hold a Public Hearing on the Sufficiency of Textbooks and Instructional Materials and to Approve Resolution #837 on the Sufficiency of Textbooks and Instructional Materials as per Education Code Section 60199 and 5 CCR 9531 for 2022-2023 School Year – Nancy Vielhauer, Assistant Superintendent of Educational Services  
**Open Public Hearing \_\_\_\_\_ pm      Public Comment:      Close Public Hearing \_\_\_\_\_ pm**  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Mahoney \_\_\_\_; Member Riley \_\_\_\_; Member Casillas \_\_\_\_; Member Lamera \_\_\_\_; Member Apel \_\_\_\_; Member Jelly \_\_\_\_; Member Stone \_\_\_\_; Vote: \_\_\_\_\_

14. Request to Approve Resolution #838 Regarding the 2021-2022 Appropriations (Gann) Limit Calculation – Tammy Busch, Assistant Superintendent of Business Services  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Mahoney \_\_\_\_; Member Riley \_\_\_\_; Member Casillas \_\_\_\_; Member Lamera \_\_\_\_; Member Apel \_\_\_\_; Member Jelly \_\_\_\_; Member Stone \_\_\_\_; Vote: \_\_\_\_\_

15. Request to Approve the Unaudited Actuals Financial Report for 2021-2022 – Tammy Busch, Assistant Superintendent of Business Services  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

16. Request to Approve the Proposals and Authorize HB&T Environmental Inc. to Provide Environmental Consulting Services for the Delta High School/Clarksburg Middle School Cafeteria Modernization, Walnut Grove Fire Alarm and Walnut Grove Window Projects – Measure K Funds \$6813 – Tammy Busch, Asst. Superintendent of Business Services  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

17. Request to Approve Electrical Upgrade Project for Delta High School Cafeteria Site– Measure K Bond Funds, not to exceed \$536,997 – Tammy Busch, Asst. Superintendent of Business Services  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

18. Request to Approve the Construction of New Restrooms at Isleton Elementary School – Measure J Bond Funds, not to exceed \$904,610 – Tammy Busch, Asst. Superintendent of Business Services  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

19. Request to Approve the Variable-Term Waiver as Authorized by the Commission on Teacher Credentialing for 2022-2023 School Year – Katherine Wright, Superintendent  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

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

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

22. Adjournment  
Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Time: \_\_\_\_\_

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

**AFFIDAVIT OF NOTICING AND POSTING:**

I, Jennifer Gaston, Executive Assistant to the Board of Trustees, declare that a copy of this Regular Meeting Agenda/Notice was posted in the bulletin board in front of the District Office and that the Board of Trustees Members, District administrative offices and schools, the community libraries were provided notice or caused to be provided notice via fax, e-mail and/or hand delivery on Friday, September 9, 2022, 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:

**September 13, 2022**

**Walnut Grove Elementary School ♦ 14181 Grove Street, Walnut Grove, CA**  
**CLOSED SESSION**

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

A Closed Session will be held beginning at 5:35 p.m. on September 13, 2022, at the Walnut Grove Elementary School, Walnut Grove, California (which is prior to the full Open Session). Any formal action taken by the Board will be reported in the Open Session of this regular meeting of the Board of Trustees [Government Code Section 54957.1]. As needed, this Closed Session may be reconvened following the full Open Session. Any formal action taken by the Board will be reported in Open Session prior to adjournment.

**4. CLOSED SESSION**

4.1 **Student Discipline** [Education Code Sections 49070 (c) and 76232 (c)]. –

4.1.1 Student Case# 2122-321-002 (Progress Update)

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

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

4.2.1.1 Development Discussion with Counsel (Parker & Covert, LLC) and River Delta Unified School District's Lead Negotiator for Developments, Joe Dixon, Dixon SmartSchoolHouse, LLC

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 Superintendent

4.3.2 Certificated

4.3.3 Classified

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

4.3.5 Complaint, Discipline, Dismissal, Non-reelects, & Releases

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

4.3.6.1 RDUTA

4.3.6.2 CSEA

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

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

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

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

From: Katherine Wright, Superintendent

Item Number: 9.1.3.1

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

**SUBJECT:**

Recognition of River Delta Unified School District's 2022-2023 Teacher of the Year Gabino Perez

**BACKGROUND:**

Each year a certificated teacher for the River Delta Unified School District is selected to represent RDUSD as the Teacher of the Year, and, therefore, nominated for County Teacher of the Year through Sacramento County Office of Education.

**STATUS:**

For the 2022-2023 school year, Gabino Perez, a former teacher at Walnut Grove Elementary School, has been chosen to be honored as River Delta Unified School District's Teacher of the Year.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board recognizes and honors Gabino Perez as River Delta Unified School District's 2022-2023 Teacher of the Year

Time allocated: 5 minutes

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 9.1.3.2

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

**SUBJECT:**

Recognition of the 2022-2023 California Schools Employee Association's (CSEA) Employee of the Year, Christy Ramirez

**BACKGROUND:**

Each year a classified employee of the River Delta Unified School District is recognized for their contributions to the District, schools, students and communities.

**STATUS:**

For the 2022-2023 school year, Christy Ramirez has been chosen to receive the honor of River Delta Unified School District's CSEA Employee of the Year.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board recognizes and honors Christy Ramirez as RDUSD's CSEA Employee of the Year for 2022-2023.

Time allocated: 5 minutes

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Tammy Busch, 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:**

Tammy Busch, 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: 2 minutes

**River Delta Unified School District**  
 2022-23 Working Budget vs. Actuals Report  
 August 29, 2021

Working Budget					Actuals thru: 8/29/2022					
	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	9,207,301	18,446,920	17,589,114	10,065,107	1,089,187	127,259	961,928	5.21%	2,157,539	12.27%
Restricted	2,365,170	11,362,872	11,381,705	2,346,337	335,135		335,135	2.95%	697,626	6.13%
Combined	11,572,471	29,809,792	28,970,819	12,411,444	1,424,322	127,259	1,424,322	4.78%	2,855,165	9.86%
<b>Other Funds</b>										
Adult Ed. ( 11 )	87,922	92,540	92,540	87,922	7,527		7,527	8.13%	19,405	20.97%
Child Development ( 12 )	762	288,702	311,325	(21,861)	79,167		79,167	27.42%	33,141	10.65%
Cafeteria ( 13 )	334,650	991,116	989,116	336,650	15,179		15,179	1.53%	70,929	7.17%
Sp. Res-Other than Cap. Outlay ( 17 )	40,753	400	-	41,153	-		-	0.00%	-	0.00%
Bond Fund ( 21 )	19,585,807	34,656	-	19,620,463	-		-	0.00%	-	0.00%
Bond Fund- Measure J ( 22 )			-	-	-		-	0.00%	73,697	0.00%
Bond Fund - Measure K ( 23 )			-	-	-		-	0.00%	36,237	0.00%
Developer Fees ( 25 )	1,114,452	318,371	339,255	1,093,568	977		977	0.31%	582,033	171.56%
County School Facilities ( 35 )	3,398	30	-	3,428	-		-	0.00%	-	0.00%
Capital Projects ( 49 )	419,139	6,450	-	425,589	-		-	0.00%	2,903	0.00%



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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

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 August 2022

**PRESENTER:**

Ken Gaston

**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**  
**September 13, 2022**

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

**Maintenance & Operations:**

- **Bates Elementary**
  - Replaced belt on air blower for AC system in the office. - \$100
  
- **D. H. White Elementary**
  - Camacho Mechanical came and recharged AC unit with refrigerant. - \$480
  - Replaced motor and capacitor for AC unit in room 3. - \$1,075
  
- **District Office**
  - Removed furniture/computers, taped and prime walls in business office. -\$1,240
  
- **Mokelumne High School**
  - Recharged refrigerant for AC unit. - \$100
  
- **Rio Vista High School**
  - Replaced bulletin board broken plexiglass. - \$155
  - Removed posters and pennants in room E103. - \$160
  - Replaced four light switches in boy's locker room. - \$260
  - Installed shelving units in football field coffee shack and snack bar. - \$200
  - Clear out clogged sink and garbage disposal in cafeteria. - \$360
  - Replaced broken window in portable 10. - \$1,060
  
- **Riverview Middle School**
  - Replace fuse in AC unit in math classroom. - \$132
  
- **Walnut Grove Elementary School**
  - Camacho Mechanical came and recharged AC units with refrigerant. - \$120
  
- **Transportation Dept.**
  - Fixed sink's PVC drainpipe in transportation south office. - \$145

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Tammy Busch, Asst. Superintendent of Business Services

Item Number: 9.2.3

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

**SUBJECT:**

HKIT Architects to Present an Update on Designs for Rio Vista High School's New Classrooms and Delta High School/Clarksburg Middle School's Cafeteria Modernization Projects

**BACKGROUND:**

On May 10, 2022 the Board of Trustees approved the project budget for the Rio Vista High School New Classrooms and Delta High School/Clarksburg Middle School Cafeteria Modernization Projects. HKIT Architects and RGMK have met with stakeholders to establish the program of each project. Site assessments, topographic surveys and geotechnical surveys have been completed. All of these steps helped to shape the design of the projects. HKIT is presenting the design progress for these two projects and invites feedback from the Board.

**STATUS:**

HKIT Architects to present an update on the design of the Rio Vista High School New Classrooms and Delta High School/Clarksburg Middle School Cafeteria Modernization Projects.

**PRESENTER:**

Tammy Busch, Asst. Superintendent of Business Services, Katherine Wright, Superintendent and Melissa Reagan-Byers, HKIT Architects

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Maria Denney and Ralph Caputo, RGM Kramer

**COST AND FUNDING SOURCES:** Not applicable

**RECOMMENDATION:**

That the Board receives this information as presented

Time allocated: 5 minutes

# RIVER DELTA UNIFIED SCHOOL DISTRICT MEASURE J & K

## RVHS Science and Culinary Arts New Building & Delta/CMS Cafeteria Modernization

SCHEMATIC DESIGN REVIEW

Board Presentation | September 13, 2022





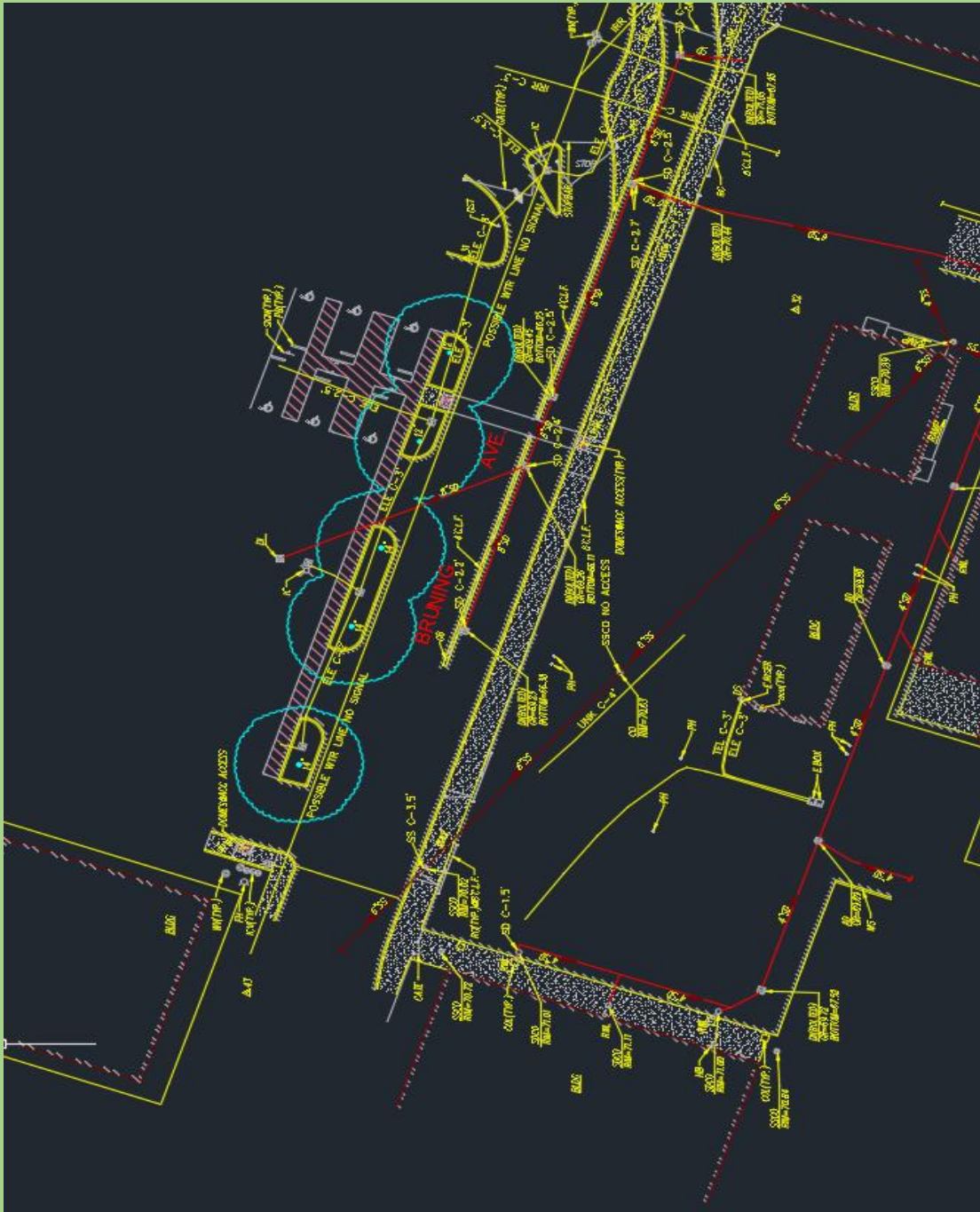


# INFORMATION GATHERING

Meetings with RVHS Teachers & Principal

Meeting at Delta HS/CMS Cafeteria

Existing Condition Assessments with Team



# INFORMATION GATHERING

Topographic Survey

Soils Report

Building Code Analysis

Pre-app Meeting with DSA

# RVHS Science & Culinary Arts Building



Located near Ag  
Science Building



DESIGN

# Site Plan



# RVHS Science & Culinary Arts Building



Culinary arts –  
commercial and  
residential kitchens

State of the art  
science classroom

Support Spaces  
Restrooms  
Custodial  
Electrical



Culinary Arts

Science  
Floor Plan

DESIGN

# RVHS Science & Culinary Arts Building



DESIGN

## 3D View-Exterior

# RVHS Science & Culinary Arts Building

Capacity = 32 Students

8 Residential kitchens

Commercial kitchen equip.

4-burner range

Griddle

Fryer

Double Convection Oven

Freezers & Fridges

Pull down power reels



Culinary Arts

# 3D View-interior



DESIGN

# RVHS Science & Culinary Arts Building



Capacity = 32 Students

8 Lab stations + Demo

Fume hoods

Gas at each station

Eyewash

Pull down power reels



Science  
3D Views-interior

DESIGN

# Delta & CMS Cafeteria Modernization



DESIGN

# Site Plan



# Delta & CMS Cafeteria Modernization

Modern kitchen

ADA compliant restrooms

Heating and cooling upgrade

Lighting replacement

Updated finishes



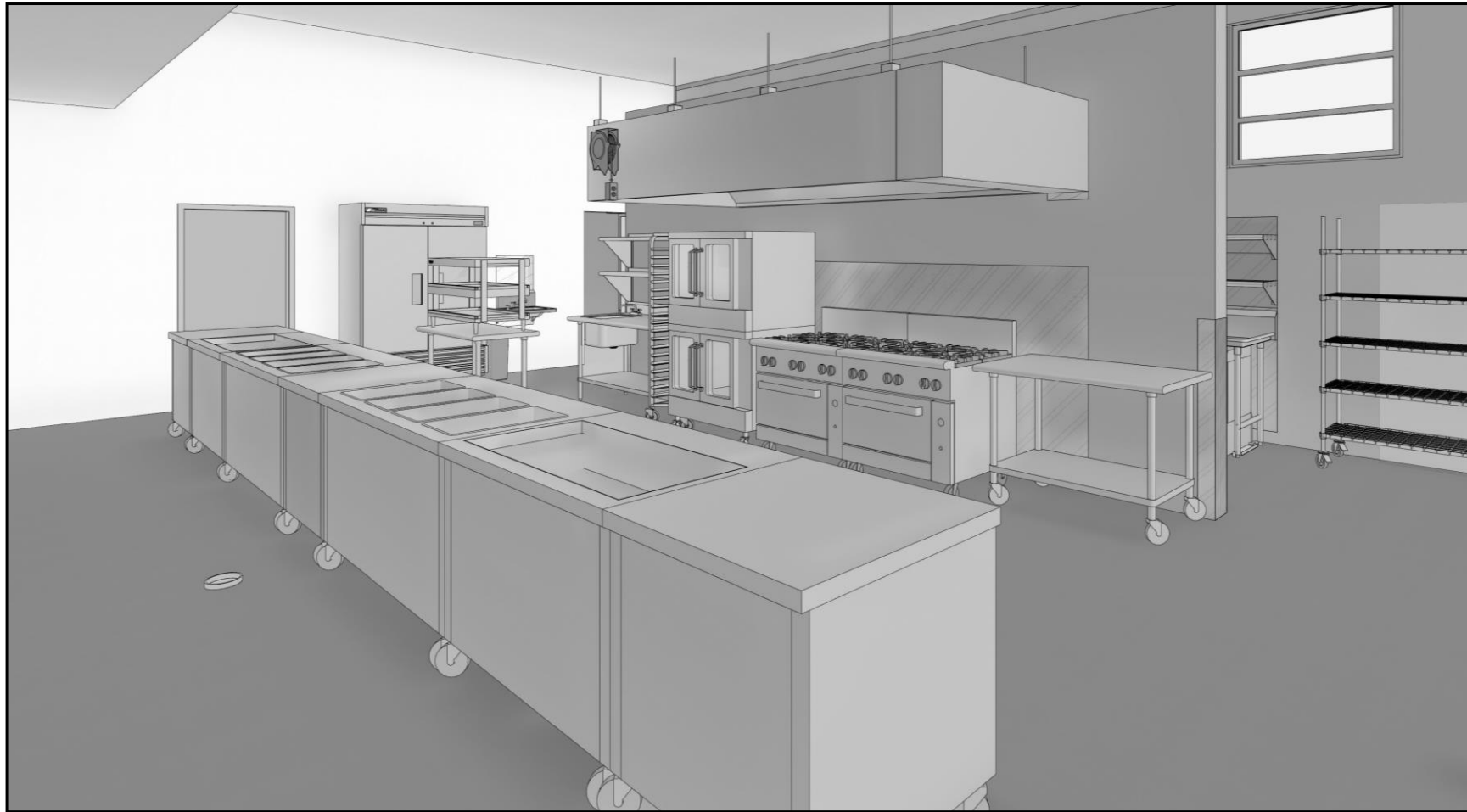
# Floor Plan



DESIGN



# Delta & CMS Cafeteria Modernization



DESIGN

## 3D View - Kitchen



# Next steps: Design Development

Meet again with staff to confirm design

Select materials, fixtures, equipment

Detail and refine design

Coordinate with consultants

Meet with health department, local fire department

Continue to verify design meets code



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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

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

From: Gabino Perez, Principal

Item Number: 9.3.3

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

**SUBJECT:**

Presentation on the River Delta Unified School District's 2022 Summer Bridge Program

**BACKGROUND:**

River Delta Unified School District continued to provide a Summer Bridge Program to all eligible elementary school students. The program was held July 6th - 29th at Walnut Grove Elementary School. Students participated in a variety of activities that focused on academics, social-emotional learning, and enrichment.

**STATUS:**

The nature of this presentation is strictly informational. The Summer Bridge Program staff and students would like to provide the Board with a summary of the 2021-2022 Summer Bridge Program.

**PRESENTER:**

Walnut Grove Elementary School Principal - Gabino Perez

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff: Brenda Casillas, Suelema Casillas

Students: Marisol Navarro, Lily Jimenez

**COST AND FUNDING SOURCES:**

Not Applicable

**RECOMMENDATION:**

That the Board receives the informational presentation of the Summer Bridge Program.

Time allocated: 2 minutes

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

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 meeting of the Board of Trustees held on August 9, 2022.

**BACKGROUND:**

Attached are the Minutes from the Regular meeting of the Board of Trustees held on August 9, 2022.

**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

August 9, 2022

1. **Call Open Session to Order** – Board President Stone called the Open Session of the meeting of the Board of Trustees to order at 5:31 p.m. on August 9, 2022 at Isleton Elementary School, Rio Vista, California.
2. **Roll Call of Members:**
  - Jennifer Stone, President
  - Dan Mahoney, Vice President
  - Marilyn Riley, Clerk
  - Rafaela Casillas, Member (Arrived 5:58pm)
  - Marcial Lamera, Member
  - Wanda Apel, Member
  - Randall Jelly, Member

Also present: Katherine Wright, Superintendent
3. **Review, Approve the Closed Session Agenda and Adjourn to Closed Session**
  - 3.1 Board President Stone announced items on the Closed Session Agenda
  - 3.2 Public Comment on Closed Session Agenda Items. – None to report
4. **Board President Stone asked for a motion to approve the Closed Session agenda and adjourn the meeting to Closed Session @ 5:32 pm**

*Member Riley moved to approve, Member Lamera seconded. Motion carried 6 (Ayes: Mahoney, Riley, Lamera, Apel, Jelly, Stone): 0 (Nays): 1 (Absent: Casillas)*
5. **Open Session was reconvened at 6:39 pm**
  - 5.1 Roll was retaken, all members were present.

Also present: Katherine Wright, Superintendent; Tammy Busch, Assistant Superintendent of Business Services Officer; Nancy Vielhauer, Assistant Superintendent of Educational Services, and Jennifer Gaston, Recorder.
  - 5.2 Pledge of Allegiance was led by Board President Stone
6. **Report of Action taken, if any, during the Closed Session** (Government Code Section 54957.1)

Board President Stone reported that the Board did not take any actions during Closed Session.
7. **Review and Approve the Open Session Agenda**

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

*Member Lamera moved to approve, Member Riley seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
8. **Public Comment:** None to report
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 Lamera reported that he and Congressman Mike Thompson were invited by Amanda Beck from The Friends of Clarksburg Services & Recreation Committee to walk the campuses of Delta High and Clarksburg Middle School reviewing the committees proposed Park and Aquatic Center Project.

Member Lamera attended the Meet and Greet to welcome Delta High and Clarksburg Middle School's new Principal, Craig Cornelson and Vice Principal, Leticia Magaña. There was a nice turnout of families that came to meet the new administration team. He acknowledged Ms. Weathers for decorating for the event. Member Lamera noted that he met with both Mr. Cornelson and Ms. Magaña to learn of their goals for the upcoming school year and offered his support.

Member Lamera also attended the Meet and Greet at Bates Elementary School to welcome Dr. MJ Kiwan Gomez and introduce him to the many families who attended. Member Lamera mentioned that Mr. Kiwan Gomez was hard at work implementing the 50/50 schoolwide Spanish Dual Immersion Program. Member Lamera invited his fellow

Board members to visit Bates Elementary on August 19<sup>th</sup> to see the Dual Immersion Program in action.

Member Lamera announced that he attended the Pear Fair over the weekend and the event was well attended and a smashing success. He is looking forward to the event next year.

Member Lamera was happy to announce that he has filed papers with Yolo County's Office of Registered Voter's to be on the Ballot in November to continue to serve as the Trustee Area 5 Board Member for the River Delta USD, stating that it has been a welcoming experience over the past two years and would like the opportunity moving forward.

Board President Stone reported that she attended the Pear Fair and was one of the bakers making the pear pies for the event. She announced that both Bates and Walnut Grove Elementary Schools sold out of their pies early in the day. Member Stone noted that it was the best Pear Fair event that she has seen in the ten years she has been baking pies for the PTA. The weather turned out to be fantastic and, from her observation, there were more people in attendance than in the past years.

President Stone attended the Meet the Principal at Walnut Grove Elementary School welcoming Mr. Perez. The families that attended were very excited to have him as their new principal. Many families didn't feel the need to attend the Meet and Greet as they know Mr. Perez very well, as he has worked in Walnut Grove Elementary for many years. However, they are looking forward to the upcoming school year with Mr. Perez as principal.

Member Riley reported that she attended the Meet and Greet at Bates Elementary, stating that it was well attended. She also joined the Meet and Greet at D.H. White Elementary where they had even a greater number of families attend.

#### 9.1.2 Committee report(s)

9.1.2.1 Committee Meeting – City of Rio Vista 2 X 2 – Superintendent Wright reported that she and Member Jelly attended the 2 X 2 meeting with the City of Rio Vista. She acknowledged the new city clerk and commended her for keeping the meetings on schedule. Superintendent Wright shared with the Board that these meetings are very beneficial to both parties, especially to be kept informed of everything that is happening in the community. She announced that the City Manager, Rob Hickey will be retiring, an interim will be filling in until a new City Manager can be hired.

In response to a question, Superintendent Wright shared that, during the meetings over the past few months, the discussion of the lack of transportation for students was discussed. Unfortunately, the one resource that City has, The Delta Breeze, is managed by a third party contractor and they do not allow unaccompanied minors to ride the busses. Superintendent Wright stated that Michael Mimiaga, Supervisor of Transportation, has attended many meetings to try to come up with ideas to support the District's transportation department. Superintendent Wright mentioned that City of Rio Vista's Safe Routes to School will be an important program to continue making routes to and from school safer for the students.

9.1.3 Superintendent Wright's report(s) - Superintendent Wright reported that employees are diligently working to prepare for the upcoming school year. She sincerely thanked everyone for their dedication and all that they are doing to make a smooth start to the school year.

Superintendent Wright mentioned that our District, like many other districts are suffering from a statewide teacher shortage. The District currently has eight teacher vacancies. She mentioned that, on Thursday, she and Codi Agan would be welcoming retired educators to a meeting, providing them with information on the teacher shortage and ways they may be able to help us during this challenging situation. If interested, they can

use their credentials and expertise to work temporarily or by job sharing with another retired teacher this school year.

Superintendent Wright thanked Denise Correia and Jim McPherson for the use of their beautiful home on Long Island, where we conducted the first Leadership Team Meeting. The secluded atmosphere allowed the team to focus on important topics for the upcoming school year.

Superintendent Wright wished the best of luck to all during these first days of school.

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 – Tammy Busch, Asst. Superintendent of Business Services; Ken Gaston, Director of MOT

9.2.1 Provide to the Board Accomplishments for the 2021-22 School Year in Technology, Food Services and Business - Tammy Busch, Assistant Superintendent of Business Services, was unable to attend the meeting. However, she submitted a PowerPoint presentation on the accomplishments for 2021-2022 and goals set for FY2022-2023. Superintendent Wright spoke on her behalf. The presentation provided the Board with information regarding the cafeteria meals served each month, equipment that was replaced during the year and goals for Cafeteria in FY2022-2023. In technology, the implementation of a secured network, Securly content filter, updated website, the use of ParentSquare and the Broadband Infrastructure Improvement (BIG) Grant. Technology goals for 2022-2023 are transferring to Cloud services, Multi Factor Authentication when not on the District's network and a replacement plan for technology devices. The Business Office implemented online purchase requisitions, site-based Amazon carts for approval, simplified accounting strings, consolidation of copies and printers with a single provider, updated facilities use and travel processes and procedures. The implementation of Frontline for absence tracking and timesheet submittals. Goals set for 2022-2023 are to utilize purchasing agreements or state contracts and continue moving towards digital storage.

9.2.2 Maintenance, Operations & Transportation Update - Ken Gaston, Director of MOT reported that the Transportation Department has received three new bus applications and one van driver application. Mr. Gaston mentioned that another district received 40 application and, after their first meeting with the applicants, they ended up with only one remaining interested party. He is happy that we are still receiving interest applicants. Mr. Gaston announced that his team has been working on installing a sprinkler system at Delta High School's football field, which has never had sprinklers since the facility was built. The project is partially completed; however, it has been suspended until after football season is over to not interrupt the field and game play. The sprinkler system project at Isleton Elementary School has been completed. Unfortunately, there is an irrigation leak at Rio Vista High School. The water valves have been turned off until repairs can be made.

Mr. Gaston reported that the main air conditioning unit at Walnut Grove is failing. A HVAC specialist was called to assess the unit. The report stated that it was either the main motor or the pump, possibly could be both. The specialist explained that this unit is obsolete and replacement parts will mostly likely be obsolete as well. Mr. Gaston is contacting companies in Sacramento to see if the motor can be rebuilt, as well as reaching out to other resources for replacement parts. The site admin is aware of the situation and that his team is working to have the issue resolved as soon as possible.

9.3 Education Services' and Special Education Reports and/or Presentation(s) – Nancy Vielhauer, Assistant Superintendent of Educational Services

9.3.1 Educational Services Update – Nancy Vielhauer, Assistant Superintendent of Educational Services – Board President Stone welcomed Ms. Vielhauer to the District. Ms. Vielhauer thanked President Stone stating that she was thrilled to be here. Her first day was July 18<sup>th</sup> and the first tasks was to put the finishing touches on the New Teacher Onboarding 2-day Training. She announced that Jenny Emigh and Steve

Wright prepared for the GLAD Training, which had a great turnout and was well received. The District's preservice day was held at Rio Vista High School. Overall, there was great support from our mental health partners at Solano County and Rio Vista CARE. She noted that she, Jennie Gornito and several of the admin team met with the School Based Mental Health Provider from the Sacramento County Office of Education to discuss how their services would benefit the elementary schools. She noted that the department is extremely busy; however, they are making notable progress.

- 9.3.2 Williams' Settlement Public Notification regarding sufficiency of teachers, facilities, textbooks and instructional materials – Fourth Quarter 2022 (April - June) – Nancy Vielhauer, Assistant Superintendent of Educational Services, reported that the District did not receive any complaints during this period.
- 9.3.3 Williams' Settlement Public Notification regarding sufficiency of teachers, facilities, textbooks and instructional materials – Third Quarter Report for Fiscal Year 2021-2022 from the Sacramento County Office of Education (SCOE) – Nancy Vielhauer, Assistant Superintendent of Educational Services, reported that a letter was received from SCOE stating that their staff did not conduct any site reviews of instructional materials or facilities. However, they reviewed the School Accountability Report Card (SARC) stating that the SARCs were generally clear and accurate, providing suggestions for further improvement. There were no complaints filed during the quarter.
- 9.3.4 Special Education Update –President Stone welcomed Tracy Barbieri, Director of Special Education, to the District. Ms. Barbieri introduced herself to the Board and audience. She shared that she grew up and spent time in the Delta as a child and its wonderful to be in the District serving the communities. She provided Special Education data on students and staff. The Special Education Department focus this year will be on professional development, program development, communication, teacher retention, compliance and opportunities to support these areas. They will be creating manuals for staff as well as sending out monthly newsletters. She looks forward to a smooth start of the school year and working collaboratively with site administrators.

9.4 River Delta Unified Teachers Association (RDUTA) Update – Chris Smith, RDUTA President, announced that RDUTA has many members in new leadership roles. He shared that the union members held their first gathering the previous evening. He noted that, among other things, one goal is to reach nearly 100% membership and to educate the members on the points presented at the last meeting by the negotiating team. He will be encouraging the negotiation team to think long-term and to be patient so that things are done right. He mentioned that he has spoken with former teachers that loved working in the District. He would like teachers that love working here to always work here and not have to leave due to financial reasons.

Superintendent Wright shared that the District is just beginning the LCAP process and invites RDUTA to review the LCAP and be involved in the process by provide feedback. She mentioned that SCOE is reviewing the newly submitted LCAP for approval which will be submitted to CDE. Once finalized the LCAP will be sent out to the both unions.

9.5 California State Employees Association (CSEA) Chapter #319 Update – David Groves, Interim CSEA President, Delta Chapter #319 greeted the Board member and District staff. He reported that his team is happy to be supporting its members. He did not have anything further to report.

Superintendent Wright invited CSEA's team to review and provide feedback on the LCAP as well.

## 10. Consent Calendar

All matters listed under the Consent Calendar are to be considered routine action and all will be enacted by one motion. There will be no separate discussion of these items unless a member of the Board of Trustees requests that specific items to be removed from the Consent Calendar for separate action. Any items removed will be considered for separate action after the motion to approve the Consent Calendar.

- 10.1 Approve Board Minutes  
Regular Meeting of the Board – June 28, 2022
- 10.2 Receive and Approve Monthly Personnel Report - As of August 5, 2022
- 10.3 District's Monthly Expenditure Report  
June and July 2022

- 10.4 Request to Approve the Renewal Agreement with School Loop to Provide Website Hosting Services for the River Delta Unified School District (RDUSD) for the 2022-2023 School Year, at a cost of \$2,000, Educational Services Funds – Nancy Vielhauer, Assistant Superintendent of Educational Services
- 10.5 Request to Approve the Three (3) Year Maverick Networks, Inc. Software Assurance Agreement for 2022-2023 through 2024-2025, at a cost of \$11,882.58 – Tammy Busch, Assistant Superintendent of Business Services
- 10.6 Request to Approve the Independent Contract with West Coast Broadcast Services, LLC to Provide Engineering Services to Support KRVH (Radio Rio), at a cost not to exceed \$5,000 General Fund – Tammy Busch, Assistant Superintendent of Business Services
- 10.7 Request to Approve the Memorandum of Understanding (MOU) for River Delta Unified School District to Participate in the Sly Park Educational Program for the 2022-2023 School Year – Nancy Vielhauer, Assistant Superintendent of Educational Services
- 10.8 Request to Approve the Renewal of IXL Learning Educational Software for the 2022-2023 School Year at a cost not to exceed \$11,425, Educational Services Funds - Nancy Vielhauer, Assistant Superintendent of Educational Services
- 10.9 Request to Approve the General Agreement for Nonpublic, Nonsectarian School/Agency (Northern CA Preparatory School) for the 2022-2023 School Year at a Cost Not to Exceed \$45,000, Special Education Funds – Tracy Barbieri, Director of Special Education
- 10.10 Request to Approve the Professional Expert Agreement with Susan Jones to provide 15 days of Coaching and Mentoring for Rio Vista High School Teachers in the 2022-2023 School Year at a cost not exceed \$3,000. Site Funds – Victoria Turk, Principal
- 10.11 Request to Accept the Grant Award in the Amount of \$60,000 and \$25,000 from Yolo Solano Air Quality Management District to Replace Two (2) Lawn Mowers with Electric Lawn Mowers – Tammy Busch, Assistant Superintendent of Business Services
- 10.12 Donations or Receive and Acknowledge

**Rio Vista High School – In Memory of Dennis Katsuki**

Caroile Mitsuda  
Leonard & Yvonne Rodrigues  
Aaron & Natalie Beaver  
Craig Nishite  
Denis & Linda VanDeMaele

Board President Stone asked to have the electricity bill at Bates Elementary and surrounding meters be reviewed.

*Member Lamera moved to approve, Member Casillas seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*

*Board President Stoned acknowledged the donations and thanked them for their continued support.*

Superintendent Wright announced that with the official approval of the consent calendar she introduced the new members of the administrative team in the audience: Nancy Vielhauer, Assistant Superintendent of Educational Services; Tracy Barbieri, Director of Special Education; Juan Carlos Alvarado, Principal of D.H. White and Wind River High School; MJ Kiwan Gomez, Principal of Bates Elementary School and Mokelumne High School; Craig Cornelson, Principal of Delta High School and Clarksburg Middle School.

**Action Items** -- Individual speakers shall be allowed two minutes to address the Board on any agendized 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 First Reading of the Updated or New Board Policies, Administrative Regulation and or Exhibits Due to New Legislation or Mandated Language and Citation Revisions as of June 2022. In addition, Revisions to Regulation 4151: Employee Compensation – Katherine Wright, Superintendent

Revisions will be made to Regulation 4151: Employee Compensation for the second reading.

*Member Lamera moved to approve, Member Jelly seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*

12. Request to Approve Resolution # 835 Authorizing the Inter-Fund Transfer of Special or Restricted Funds for Operational for Budgetary Purposes for FY 2022-23 – Tammy Busch, Assistant Superintendent of Business Services  
*Member Mahoney moved to approve, Member Riley seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
13. Request to Approve Resolution # 836 Authorizing Temporary Inter-Fund Transfers (Borrowing) of Special or Restricted Funds for FY 2022-23– Tammy Busch, Assistant Superintendent of Business Services  
*Member Mahoney moved to approve, Member Casillas seconded. Motion carried by roll call vote 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
14. Request to Approve the Proposal to Install Parking Lot Lighting at Walnut Grove Elementary School – Not to Exceed \$25,850, Measure K Bond Funds – Tammy Busch, Assistant Superintendent of Business Services  
*Member Casillas moved to approve, Member Lamera seconded. Motion carried by roll call vote 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
15. Request to Approve the Provisional Internship Permits as Authorized by the Commission on Teacher Credentialing for 2022-2023 School Year – Codi Agan, Director of Personnel  
*Member Riley moved to approve, Member Apel seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
16. Request to Approve the Variable-Term Waiver as Authorized by the Commission on Teacher Credentialing for 2022-2023 School Year – Codi Agan, Director of Personnel  
*Member Lamera moved to approve, Member Casillas seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*
17. Re-Adjourn to continue Closed Session, if needed – Board President Stone reported that re-adjourning to Closed Session was not necessary.
18. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) – Board President Stone reported Closed Session was not necessary – no actions to report.
19. Adjournment: There being no further business before the Board, Board President Stone asked for a motion to adjourn.  
*Member Casillas moved to approve, Member Lamera seconded. Motion carried 7(Ayes: Mahoney, Riley, Lamera, Casillas, Apel, Jelly, Stone): 0 (Nays): 0 (Absent)*

The meeting was adjourned at 7:45 pm

Submitted:

Approved:

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Katherine Wright, Superintendent and  
Secretary to the Board of Trustees

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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: September 13, 2022

Attachments: X

From: Codi Agan, Director of Personnel

Item Number: 10.2

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

**SUBJECT:**

Request to Approve the 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: September 13, 2022

<b>ACTION - CERTIFICATED</b>	<b>NAME</b>	<b>POSITION</b>	<b>FTE</b>	<b>SITE/DEPT</b>	<b>EFFECTIVE DATE</b>	<b>VICE</b>
<b>New Hire - Probationary</b>	Maria Aguilar-Duran	Spanish Teacher	1.00	Rio Vista High	8/5/2022	Rebecca Stark
	Gisela Camacho	RSP Teacher	1.00	Clarksburg Middle / Delta High	8/5/2022	Carroline Nilson
	Marisa Soto Harrison	Elementary Teacher	1.00	D.H. White Elementary	9/1/2022	Edith Rodriguez
<b>LOA</b>	Raquel McCosker	Art Tecaer	1.00	Delta High	08/22/22-09/10/22	
Intermittent (Mondays only)	Katie Ingalls	Vice Principal	1.00	Rio Vista High	09/12/22-12/16/22	
<b>ACTION - CLASSIFIED</b>	<b>NAME</b>	<b>POSITION</b>	<b>FTE</b>	<b>SITE/DEPT</b>	<b>EFFECTIVE DATE</b>	<b>VICE</b>
<b>Resignation</b>	Alicia Nolasco	Bus Driver	0.69	Transportation	8/8/2022	
	Alicia Nolasco	Instructional Assistant II	0.31	Transportation	8/8/2022	
	Cassidy Hansen	Instructional Assistant III	0.81	Walnut Grove Elementary	8/9/2022	
	Lizeth Rodarte De Mena	Food Service Worker		Clarksburg Middle/Delta High	8/12/2022	
<b>New Hire - Probationary</b>	Alicia Nolasco	Food Service Worker	0.94	Clarksburg Middle / Delta High	8/15/2022	Donna Hibma
	Melissa Earley	Instructional Assistant I	0.19	D.H White Elementary	8/15/2022	Amber Gleaves
	Kirstie Riley	Instructional Assistant 1	0.19	D.H. White Elementary	9/7/2022	Mayra Palomino
	Kirstie Riley	Instructional Assistant II	0.38	D.H White Elementary	9/7/2022	Valerie Upham
	Lizet Rodarte De Mena	Custodian I	1.00	Maintenance North	8/15/2022	Lorenzo Mejia Vasquez
<b>ACTION - Non-Contracted (Hourly)</b>	<b>NAME</b>	<b>POSITION</b>		<b>SITE/DEPT</b>	<b>EFFECTIVE DATE</b>	
<b>Resignation - ASP</b>	Deanelly Martinez	Afterschool Staff	-	Isleton Elementary	8/24/2022	
	Cynthia Reynoso	Afterschool Staff	-	Walnut Grove Elementary	8/22/2022	
	Dorissa Eggers	Afterschool Staff	-	Isleton Elementary	8/12/2022	
<b>New Hire - ASP</b>	Michelle Robles	Afterschool Staff	-	Bates Elementary	8/10/2022	
	Danielle Guptill	Afterschool Staff	-	Isleton Elementary	8/30/2022	
	Serita Lew	Afterschool Staff	-	D.H. White Elementary	9/1/2022	

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Tammy Busch, Asst. Superintendent of Business Services    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:**

Tammy Busch, Asst. Superintendent of Business Services

**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: Fri, Aug 26, 2022, 8:18 AM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012419 ACSA'S FOUNDATION 1517 L STREET SACRAMENTO, CA 95814	1,866.39	K. WRIGHT ACSA MMBRSHIP	08/09/2022	23364647 PV-230071	1,866.39	N
( 0) - 0						N
014952 AERIES SOFTWARE 770 THE CITY DR S #6500 ORANGE, CA 92868	32,077.60	M&S8909 AERIES DATABASE	08/23/2022	23366934 PO-230151	32,077.60	N
( 0) - 0						N
015689 ALVARADO, JUAN CARLOS 1593 ASHWOOD DRIVE OAKLEY, CA 94561	55.42	DHW SUPPLIES	08/25/2022	23367716 TC-230010	55.42	N
( 0) - 0						N
015430 AMAZON 2201 WESTLAKE AVE. #500 SEATTLE, WA 98121	3,963.04	1DCX-VLTX-9LP7 ISLE SUPPLIES 16TC-FQ6Y-1NNK ED SV SUPPLIES 1LRL-PQ69-YWW9 ED SV SUPPLIES 1DLY-FJMF-YX6V RVHS SUPPLIES 1DLY-FJMF-YX6V RVHS SUPPLIES 1DLY-FJMF-YX6V RVHS SUPPLIES 17VW-KC73-YJNW DHS SUPPLY 1XXH-6X6P-1MFJ ISLE TK 1DL4-PVMD-WWVH ED SV SUPPLIES	08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022	23363864 CL-220194 23363873 PO-230025 23363873 PO-230025 23363881 PO-230033 23363881 PO-230033 23363881 PO-230033 23363891 PV-230060 23363891 PV-230060 23363891 PV-230060	217.20 995.35 118.76 500.00 98.86 500.00 224.75 657.40 650.72	N N N N N N N N N
( 0) - 0						N
013806 ANTIOCH GLASS 1207 AUTO CENTER DRIVE ANTIOCH, CA 94509	978.64	75288 TRANS REPAIRS	08/25/2022	23367703 PV-230118	978.64	N
(925) 777-9191		N CONCORD GLASS				
012964 ASSOCIATED VALUATION SERVICES 1501 COFFEE ROAD SUITE N MODESTO, CA 95355	1,347.02	7091 WITS INVENTORY	08/04/2022	23363890 PV-230058	1,347.02	N

(209) 543-8245

N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014367 BANK OF AMERICA PO BOX 15796 WILMINGTON, DE 19886-5710	22,986.55	ISLE MEDIA CART	08/18/2022	23366368 PV-230100	614.39	N
		FUENTES CONF	08/18/2022	23366368 PV-230100	88.21	N
		IPAD	08/18/2022	23366368 PV-230100	1,208.84	N
		LAPTOP	08/18/2022	23366368 PV-230100	3,187.62	N
( 0) - 0 N		LAPTOP	08/18/2022	23366368 PV-230100	3,187.62	N
		CULLIGAN WATER	08/18/2022	23366368 PV-230100	97.20	N
		SUPT SUPPLIES	08/18/2022	23366368 PV-230100	43.20	N
		SUPT SUPPLIES	08/18/2022	23366368 PV-230100	21.61	N
		BUS OFF CALPERS REG	08/18/2022	23366368 PV-230100	449.00	N
		RVHS SUPPLIES	08/18/2022	23366368 PV-230100	636.21	N
		RVHS SUPPLIES	08/18/2022	23366368 PV-230100	6,210.14	N
		NWEA ED SV REGIST	08/18/2022	23366368 PV-230100	75.00	N
		BUS OFF CALPERS REG	08/18/2022	23366368 PV-230100	449.00	N
		RVHS COUNS CONF	08/18/2022	23366368 PV-230100	102.50	N
		BUS OFF CALPERS REG	08/18/2022	23366368 PV-230100	449.00	N
		FASTRAK	08/18/2022	23366368 PV-230100	17.00	N
		RVHS SUPPLIES	08/18/2022	23366368 PV-230100	636.21	N
		RVHS SUPPLIES	08/18/2022	23366368 PV-230100	5,513.80	N
015688 BARBIERI, TRACY 4044 ANEDON CIRCLE SACRAMENTO, CA 95826	72.56	JULY MILEAGE	08/25/2022	23367717 TC-230011	72.56	N
( 0) - 0 N						
013404 BARNES & NOBLE 1600 GATEWAY BLVD FAIRFIELD, CA 94533	4,283.21	4302448 ED SV BOOKS	08/04/2022	23363874 PO-230074	4,283.21	N
(707) 435-0484 N						
012147 BECERRA, LUCIA P.O. BOX 64 RYDE, CA 95680	547.43	ASP SUPPLIES/REIMB	08/16/2022	23365930 TC-230004	154.78	N
		ASP SUPPLIES/REIMB	08/16/2022	23365930 TC-230004	226.73	N
		ASP SUPPLIES/REIMB	08/16/2022	23365930 TC-230004	165.92	N
( 0) - 0 N						
014662 BEDFORD, FREEMAN & WORTH 16365 JAMES MADISON HIGHWAY GORDONSVILLE, VA 22942	4,066.62	89437098 ED SV BOOKS	08/09/2022	23364643 PO-230072	3,886.88	Y
		89437098 FREIGHT	08/09/2022	23364643 PO-230072	179.74	Y

(540) 672-7744

Y





Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015676 BFK ENGINEERS 255 SHORELINE DRIVE #200 REDWOOD CITY, CA 94065	5,039.20	22070756 DHW LAND SURVEYING 22080336 DHW SURVEYING	08/04/2022 08/18/2022	23363885 PO-230068 23366371 PO-230068	3,000.00 2,039.20	N N
( 0) - 0						N
015204 BROOKCREST WATER COMPANY 1908 D ST SACRAMENTO, CA 95811-1123	69.35	136357 BATES WATER 101414 MOKE WATER 102296 WG ASP WATER	08/02/2022 08/02/2022 08/02/2022	23363362 PV-230048 23363362 PV-230048 23363362 PV-230048	8.75 17.50 43.10	N N N
(916) 441-7261		N WATERCO OF CAL				
012886 BROWN, MALLORY 39460 S RIVER ROAD CLARKSBURG, CA 95612	58.75	AUG MILEAGE	08/16/2022	23365931 TC-230005	58.75	N
( 0) - 0						N
015218 BUSCH, TAMMY 221 REDSTONE CIRCLE SUISUN CITY, CA 94585	123.73	REIMB ISLE TK SUPPLY	08/04/2022	23363902 TC-230001	123.73	N
(559) 679-6957						N
003681 CALIFORNIA AMERICAN WATER P.O. BOX 7150 PASADENA, CA 91109-7150	2,227.07	ISLE WATER SERVICE	08/11/2022	23365155 PO-230053	2,227.07	N
(888) 237-1333						N
012268 CALIFORNIA WASTE RECOVERY SYSTEMS 175 ENTERPRISE CT STE #A GALT, CA 95632-9047	1,256.12	ISLE WASTE SERV	08/11/2022	23365156 PO-230052	1,256.12	N
(209) 369-6887						N
014242 CAMACHO MECHANICAL	1,784.45	8571 MAINT SERV	08/09/2022	23364646 PV-230070	185.30	Y

618 A AIRPORT RD  
RIO VISTA, CA 94571

8587/8589 MAINT SERV  
8593 MAINT SERV

08/16/2022 23365916 PV-230086  
08/23/2022 23366936 PO-230147

1,232.90 Y  
366.25 Y

(209) 607-9807

Y DAVID CAMACHO

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015343 CAPITAL ENGINEERING CNSLTS 11020 SUN CENTER DR. #100 RANCHO CORDOVA, CA 95670	16,800.00	81937 BOND CNSLTING 81937 BOND CNSLTING 82217 HVAC ASSESSMENT 82217 HVAC ASSESSMENT	08/04/2022 08/04/2022 08/23/2022 08/23/2022	23363869 CL-220190 23363871 CL-220191 23366943 PO-220755 23366945 PO-220755	10,640.00 3,360.00 2,156.00 644.00	N N N N
( 0) - 0 N						
015654 CAPITAL KIDS OCCUPATIONAL THERAPY INC. 5340 ELVAS AVENUE SUITE #300 SACRAMENTO, CA 95819	1,440.00	CK212414 OCC THERAPY	08/04/2022	23363865 CL-220193	1,440.00	N
(916) 296-4616 N						
014240 CAPITAL ONE PUBLIC FUNDING 1307 WALT WHITMAN RD MELVILLE, NY 11747	574,426.16	FACILITY LEASE PYOFF 100360124 FACILITY LEASE PYOFF 100360124	08/25/2022 08/25/2022	23367715 PV-230130 23367715 PV-230130	544,459.75 29,966.41	N N
(855) 675-1212 N						
014762 CATAPULT EMS 5098 FOOTHILLS BLVD #3-396 ROSEVILLE, CA 95747	2,588.95	1045887 CATAPULT EMS	08/04/2022	23363892 PV-230059	2,588.95	N
(530) 566-0446 N DIVERSE NETWOR						
013918 CENGAGE LEARNING 10650 TOEBBEN DRIVE INDEPENDENCE, KY 41051	14,593.03	78175669 TEXTBOOKS 78175669 FREIGHT 78225095 ED SV BOOKS 78225095 ED SV BOOKS	08/04/2022 08/04/2022 08/09/2022 08/09/2022	23363875 PO-230078 23363875 PO-230078 23364639 PO-230101 23364639 PO-230101	12,597.27 1,156.38 71.25 768.13	N N N N
(800) 354-9706 N						
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251	2,130.26	BATES/WG WASTE SERV	08/11/2022	23365157 PO-230055	2,130.26	N
( 0) - 0 N						

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015411 CHAVEZ, GABY 14400 STATE HIGHWAY 160 WALNUT GROVE, CA 95690	53.90	REIMB PRIORITY MAIL REIMB PRIORITY MAIL	08/25/2022 08/25/2022	23367722 TC-230012 23367723 TC-230012	26.95 26.95	N N
( 0) - 0						N
000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641	822.10	90820/91335 ISLE SEWER	08/11/2022	23365158 PO-230015	822.10	N
(916) 777-7770						N
000077 CITY OF RIO VISTA 1 MAIN STREET RIO VISTA, CA 94571	10,062.42	RV SEWER RV WATER	08/11/2022 08/11/2022	23365159 PO-230014 23365159 PO-230014	3,335.99 6,726.43	N N
( 0) - 0		N RIO VISTA FIRE				
015265 CLARK PEST CONTROL OF STOCKTON PO BOX 1480 LODI, CA 952411480	125.00	31082938 CAFE PEST CONTROL	08/09/2022	23364654 PV-230078	125.00	N
(800) 936-3339						N
015691 CLARK, DAWN PO BOX 58 RIO VISTA, CA 94571	75.69	DHW SUPPLIES	08/25/2022	23367718 TC-230013	75.69	N
( 0) - 0						N
014215 CONTERRA ULTRA BROADBAND PO BOX 281357 ATLANTA, GA 30384-1357	10,248.78	10000310193 DIST WIDE NETWORK 10000310193 DIST WIDE NETWORK	08/11/2022 08/11/2022	23365168 PV-230079 23365168 PV-230079	4,809.07 15,057.85	N N
(704) 936-1722						N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013798 CROWE LLP 320 E JEFFERSON BOULEVARD PO BOX 7 SOUTH BEND, IN 46624-0007  ( 0) - 0 Y	30,000.00	745-2543716 AUDITOR SERV 745-2543716 AUDITOR SERV 745-2543716 AUDITOR SERV	08/04/2022 08/04/2022 08/04/2022	23363866 CL-220195 23363870 CL-220196 23363872 CL-220197	25,000.00 2,500.00 2,500.00	7 7 7
015226 CULLIGAN OF NAPA VALLEY 1429 ILLINOIS STREET ST# 1 FAIRFILED, CA 94533  (707) 558-1000 N	128.55	101708 RVHS WATER 844261 DO WATER	08/02/2022 08/02/2022	23363363 PV-230049 23363363 PV-230049	34.15 94.40	N N
013876 DATAPATH PO BOX 886009 LOS ANGELES, CA 90088-6009  (888) 693-2827 N	13,079.08	156235 MONTHLY STORAGE 156012 IT SERV 156545 TRANS SSD	08/04/2022 08/04/2022 08/09/2022	23363882 PO-230017 23363882 PO-230067 23364640 PO-230091	450.00 12,548.00 81.08	N N N
013722 DE LAGE LANDEN PUBLIC FINANCE 1111 OLD EAGLE SCHOOL ROAD WAYNE, PA 19087  (800) 736-0220 N	1,242.18	77344880 DIST OFF LEASES 77335858 DIST OFF LEASE	08/23/2022 08/23/2022	23366947 PV-230104 23366947 PV-230104	447.51 794.67	N N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612  (916) 995-1335 N	127,259.00	AUGUST TAX IN LIEU	08/02/2022	23363364 PV-230050	127,259.00	N
014067 DISCOVERY OFFICE SYSTEMS 1269 CORPORATE CENTER PARKWAY SANTA ROSA, CA 95407  (707) 570-1000 N	77.06	55E1680117 WG CONTRACT 55E1684765 WG CONTRACT	08/02/2022 08/02/2022	23363355 CL-220188 23363355 CL-220188	38.53 38.53	N N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012757 DIVISION OF STATE ARCHITECT 1102 Q STREET SUITE 5200 SACRAMENTO, CA 95811  (916) 445-8730	7,042.50	DH WHITE MODULAR PROJECT	08/11/2022	23365174 PV-230080	7,042.50	N
015248 DIXON SMARTSCHOOLHOUSE 4 VIA CANCION SAN CLEMENTE, CA 92673  ( 0) - 0	270.00	1381 PROF SERV DEVLPR NGTATNS	08/04/2022	23363887 PO-230064	270.00	N
014684 DMV PO BOX 942897 SACRAMENTO, CA 94297-0899  ( 0) - 0	10.00	4LM8209 FEES	08/23/2022	23366948 PV-230105	10.00	N
010469 E.F. KLUDT & SONS INC P.O. BOX 166 LODI, CA 95241-0166  ( 0) - 0	642.15	293837 MAINT FUEL 293837 DO FUEL	08/11/2022 08/11/2022	23365160 PO-230103 23365160 PO-230103	571.51 70.64	N N
010042 EMIGH, JENNIFER 315 RANIER COURT RIO VISTA, CA 94571  ( 0) - 0	150.62	JULY/AUG MILEAGE	08/25/2022	23367719 TC-230014	150.62	N
015690 EUSTACHY, EMILY 2200 BARCELONA COURT BRENTWOOD, CA 94513  ( 0) - 0	52.07	DHW SUPPLIES	08/25/2022	23367720 TC-230015	52.07	N
011339 FRONTIER COMMUNICATIONS CORPORATION	18,266.94	070122-8 BIIG NETWORK 102021-8 BIIG NETWORK	08/02/2022 08/04/2022	23363365 PV-230051 23363893 PV-230061	9,775.34 141.55	N N

THREE HIGH RIDGE PARK  
STAMFORD, CT 06905

( 0) - 0 N

7073742377 PHONE	08/04/2022	23363893	PV-230061	71.74	N
070121-8 BIIG NETWORK	08/09/2022	23364648	PV-230072	1,588.94-	N
070121-8 BIIG NETWORK	08/09/2022	23364648	PV-230072	2,007.28	N
DIST WIDE PHONE SERVICE	08/11/2022	23365161	PO-230016	730.18	N
070122-8 BIIG NETWORK	08/23/2022	23366949	PV-230106	7,129.79	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013921 FUN & FUNCTION LLC PO BOX 11 MERION STATION, PA 190066  (800) 231-6329	416.56	593314 SP ED SUPPLIES 593314 SHIPPING	08/16/2022 08/16/2022	23365906 PO-230080 23365906 PO-230080	371.85 44.71	7 7
						Y
012058 GALT JOINT UNION ELEMENTARY ATTN: ACCT RECEIVABLE 1018 C STREET SUITE 210 GALT, CA 95632  ( 0) - 0	7,251.66	RD8322 1 ON 1	08/09/2022	23364635 CL-220203	7,251.66	N
						N
015671 GEOLINKS CALIFORNIA INTERNET 251 CAMARILLO RANCH RD CAMARILLO, CA 93012  ( 0) - 0	69.70	BD0097395 BATES FIBER BD0097395 BATES FIBER	08/09/2022 08/09/2022	23364649 PV-230073 23364649 PV-230073	627.30 697.00	N N
						N
003598 GRAINGER 3691 INDUSTRIAL BLVD WEST SACRAMENTO, CA 95691-3479  (916) 372-7800	156.25	9382326354 MAINT SUPPLIES	08/02/2022	23363366 PV-230052	156.25	N
						N W.W. GRAINGER
014573 GREAT AMERICA FINANCIAL SVCS PO BOX 660831 DALLAS, TX 75266-0831  (877) 311-4422	1,474.97	32065715 CMS LEASE QT2055208 DHS PAYOFF 32216806 DHS LEASAE	08/02/2022 08/04/2022 08/23/2022	23363367 PV-230053 23363894 PV-230062 23366950 PV-230107	309.95 789.64 375.38	N N N
						N
000711 GROW WEST PARTS 14301 RAILROAD AVE WALNUT GROVE, CA 95690-  (916) 776-1744	34.73	13112 MAINT SUPPLIES	08/11/2022	23365169 PV-230081	34.73	N
						N THE LYMAN GROU





701232100 CUST SUPPLIES	08/23/2022 23366937 PO-230148	30.56	N
700229024 CUST SUPPLIES	08/23/2022 23366937 PO-230148	67.24	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
002180 HORIZON DISTRIBUTORS PO BOX 80248 CITY OF INDUSTRY, CA 91716-8248  (209) 931-8555	18,422.68	2A254940 MAINT SUPPLIES 2A255452 MAINT SUPPLIES	08/16/2022 08/23/2022	23365918 PV-230088 23366938 PO-230110	17,232.36 1,190.32	N N
012272 HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY 222 BERKELEY STREET BOSTON, MA 02116  (800) 225-5425	2,994.90	955617235 FREIGHT 955617235 ED SV BOOKS 955646328 SHIPPING 955646328 ED SV BOOKS	08/09/2022 08/09/2022 08/16/2022 08/16/2022	23364641 PO-230077 23364641 PO-230077 23365908 PO-230126 23365908 PO-230126	259.55 1,775.09 122.50 837.76	N N N N
013807 HUBERT COMPANY LLC 9555 DRY FORK ROAD HARRISON, OH 45030  (800) 543-7374	625.15	730691/697235 CAFE SUPPLIES	08/16/2022	23365927 PV-230097	625.15	N
015687 IBARRA SILVA, LORENA 8621 MACKEY ROAD ELK GROVE, CA 95624  ( 0) - 0	85.00	JULY MILEAGE	08/23/2022	23366951 TC-230009	85.00	N
011917 INDOFF 11816 LACKLAND AVENUE ST. LOUIS, MO 63146-4206  (707) 374-4037	1,724.97	3584279 RVHS DESK 3584279 FREIGHT 3576140/2 RVHS SUPPLIES 3564438 BATES SUPPLIES	08/04/2022 08/04/2022 08/23/2022 08/25/2022	23363877 PO-230013 23363877 PO-230013 23366952 PV-230108 23367704 PV-230119	1,245.28 340.00 75.24 64.45	N N N N
000107 INLAND BUSINESS SYSTEMS 1500 NO. MARKET SACRAMENTO, CA 95834-1912  (916) 928-0770	560.64	2812442 DHW COPIER CONTRACT	08/09/2022	23364636 CL-220206	560.64	N
015685 INSPIRE TO CREATE ENTERPRISES	848.02	48475 SEAD COORD SUPPLIES	08/25/2022	23367696 PO-230171	66.25	N

1410 W. GUADALUPE RD. # 112  
GILBERT, AZ 85233

( 0) - 0 N

48475 SEAD COORD SUPPLIES	08/25/2022	23367696	PO-230171	66.25-	N
48475 SHIPPING	08/25/2022	23367696	PO-230171	32.59	N
48475 SEAD COORD SUPPLIES	08/25/2022	23367696	PO-230171	815.43	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013836 IXL LEARNING INC 777 MARINERS ISLAND BLVD SUITE 600 SAN MATEO, CA 94404  (855) 255-8800 N	11,425.00	S442183 IXL LICENSES	08/25/2022	23367697 PO-230186	11,425.00	N
014869 JOSEPHS LAWNMOWER 1551 OAK PARK BLVD PLEASANT HILL, CA 94523  (925) 935-7240 N	1,782.92	331843 MAINT SUPPLIES	08/16/2022	23365910 PO-230111	1,782.92	N
013940 KELLY MOORE PAINTS CO INC 10299 EAST STOCKTON BOULEVARD SUITE 101 ELK GROVE, CA 95758  (650) 610-4370 N	454.09	461099/461098 MAINT SUPPLIES	08/25/2022	23367705 PV-230124	454.09	N
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE STOCKTON, CA 95202  (209) 463-1900 Y LA RUE, KNOX J	330.00	3180 UHF SERVICES TRANS	08/23/2022	23366939 PO-230122	330.00	7
015512 LEAF PO BOX 5066 HARTFORD, CT 06102-5066  (866) 219-7924 N	2,752.79	13509626 CAFE PRINTERS 13552686 ISLE LEASE 13552687 DHW LEASE 13552688 DHS LEASE 13612721 RVHS LEASE	08/04/2022 08/09/2022 08/09/2022 08/09/2022 08/25/2022	23363901 PV-230063 23364651 PV-230075 23364651 PV-230075 23364651 PV-230075 23367706 PV-230120	116.23 459.55 771.34 119.42 1,286.25	N N N N N
015211 LOONEY, JENNIFER 5345 E. MCLELLAN RD. UNIT 88 MESA, AZ 85205  ( 0) - 0 Y JENNIFER M. JO	200.00	HR PROF SERV	08/16/2022	23365919 PV-230089	200.00	Y

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015183 LOPEZ, LUIS PO BOX 237 HOOD, CA 95639  ( 0) - 0 N	74.37	JULY MILEAGE	08/16/2022	23365932 TC-230006	74.37	N
014665 LOY MATTISON ENTERPRISES 7038 ALMOND HILL COURT ORANGEVALE, CA 95662  ( 0) - 0 Y	2,047.50	70122073122 ERATE CONSULTING	08/16/2022	23365911 PO-230061	2,047.50	Y
012533 MACGILL & CO 1000 N LOMBARD ROAD LOMBARD, IL 60148  (800) 323-2841 N	1,880.86	0803636 SUPPLIES	08/04/2022	23363884 PO-230073	1,880.86	N
014819 MAVERICK NETWORKS INC. 7060 KOLL CENTER PKWY#318 PLEASANTON, CA 94566  (925) 931-1900 N	120.00	2200935 PHONE REPAIRS	08/23/2022	23366953 PV-230109	120.00	N
014107 MCCARTY, MELADEE 9217 VERVAINE WAY SACRAMENTO, CA 95829-8733  (209) 601-2940 Y	1,500.00	SP ED PROF SERV	08/04/2022	23363895 PV-230064	1,500.00	Y
011391 MCGRAW HILL SCHOOL DIVISION 2700 YGNACIO VALLEY ROAD SUITE 200 WALNUT CREEK, CA 94598  (925) 947-6000 N	13,678.88	123492838001 BOOKS	08/04/2022	23363879 PO-230076	13,678.88	N
012735 MCKINLEY ELEVATOR CORP.	600.00	A155112 RVHS ELEVATOR INSP	08/02/2022	23363356 CL-220187	300.00	N

555 FULTON ST SUITE 202  
SAN FRANCISCO, CA 94102

A155112 RVHS ELEVATOR INSP

08/02/2022 23363356 CL-220189

300.00 N

(415) 626-9951

N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015270 MEDIWASTE PO BOX 6579 CORONA, CA 92878  (855) 449-6334	530.01	158067 MEDIWASTE DISPOSAL 160587 MEDIWASTE DISPOSAL	08/09/2022 08/16/2022	23364642 PO-230129 23365912 PO-230129	265.01 265.00	N N
010848 MHS P.O. BOX 950 NORTH TONAWANDA, NY 14120-0950  (800) 456-3003	186.65	60346 SP ED SUPPLIES	08/25/2022	23367707 PV-230121	186.65	N
014990 MINDSPEAKER PRINTING 6410 Mount Palomar Ave. LAS VEGAS, NV 84332  (707) 321-9425	65.00	RD2 ART FEE	08/16/2022	23365920 PV-230090	65.00	N
012837 MOBILE MODULAR 5700 LAS POSITAS ROAD LIVERMORE, CA 94551  (925) 606-9000	625.00	2306649 RMS MODULAR LEASE	08/04/2022	23363888 PO-230090	625.00	N
		MCGRATH RENTCO				
013375 ODYSSEYWARE/IMAGE LEANING 300 N. MCKEMY AVE CHANDLER, AZ 85226  (602) 377-7920	62,500.00	883679 ODYSSEYWARE 883679 ODYSSEYWARE	08/04/2022 08/04/2022	23363876 PO-230023 23363880 PO-230023	46,875.00 15,625.00	N N
015692 PANDI, BRAMARAMBA 15325 CALLE SUENO MORGAN HILL, CA 95037  ( 0) - 0	40.45	RMS SUPPLIES	08/25/2022	23367721 TC-230016	40.45	N
014465 PARKER & COVERT LAW OFFICE 17862 EAST SEVENTEENTH ST#204	8,475.00	75166 ATTY FEES 75260 ATTY FEES	08/16/2022 08/16/2022	23365921 PV-230091 23365921 PV-230091	5,225.00 3,250.00	Y Y



EAST BUILDING  
TUSTIN, CA 92780

(714) 573-0900

Y PARKER & COVE

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015261 PCR CONSULTING 4041 SOQUEL DRIVE, STE A-1 SOQUEL, CA 95073	1,175.53	RD08 PROF SERV RD09 CONSULTING	08/04/2022 08/25/2022	23363896 PV-230065 23367708 PV-230122	614.70 560.83	N N
( 0) - 0						N
013895 PEARSON CLINICAL ASSESSMENT ORDERING PO BOX 599700 SAN ANTONIO, TX 78259	611.49	18480968 SHIPPING 18480968 SP ED SUPPLIES	08/16/2022 08/16/2022	23365907 PO-230079 23365907 PO-230079	29.14 582.35	N N
(800) 627-7271						N
013086 PEARSON EDUCATION INC 501 BOLYSTON STREET SUITE 900 BOSTON, MA 02116	2,405.30	18337846 BOOKS 18319744 BOOKS 18319744 BOOKS 18319744 BOOKS 1838999 BOOKS 1838999 BOOKS 1838999 BOOKS 18337846 BOOKS 18337846 BOOKS	08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022	23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117 23366954 PV-230117	108.33 181.78 181.78 2,237.27 4.85 4.85 59.70 8.80 8.80	N N N N N N N N N
(800) 848-9500						N
003270 PG&E 685 EMBARCADERO DRIVE SACRAMENTO, CA 95605	2.73	ELECT	08/02/2022	23363359 PO-230037	2.73	N
( 0) - 0						N PACIFIC GAS AN
014420 PIZZA FACTORY WALNUT GROVE PO BOX 1004 WALNUT GROVE, CA 95690	544.23	ED SV SUPPLIES	08/16/2022	23365922 PV-230095	544.23	N
( 0) - 0						N
015078 PLATFORM ATHLETICS 39 JOHN H FINLY III WAY FRAMINGHAM, MA 01701	600.00	3523 DHS/CMS LICENSES 3523 DHS/CMS LICENSES	08/23/2022 08/23/2022	23366955 PV-230110 23366955 PV-230110	300.00 300.00	Y Y

( 0) - 0 Y



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765  (317) 371-3866 Y	2,064.00	8013 SPEECH THERAPY	08/09/2022	23364652 PV-230076	2,064.00	7
001048 QUILL CORPORATION 100 SCHELTER ROAD LINCOLNSHIRE, IL 60094-0600  (800) 789-8965 N	4,536.65	25384963 CMS COPY PAPER	08/09/2022	23364637 CL-220204	4,536.65	N
010134 READ NATURALLY INC 1284 CORPORATE CENTER DR. #600 SAINT PAUL, MN 55121  (800) 788-4085 N	690.00	255222 RMS LICENSE	08/18/2022	23366374 PV-230101	690.00	N
012473 RENAISSANCE LEARNING INC PO BOX 8036 2911 PEACH STREET WISCONSIN RAPIDS, WI 54495-8036  (800) 338-4204 N	42,294.76	5257753 LICENSES	08/04/2022	23363878 PO-230018	42,294.76	N
015683 REYES, ALYDA 2400 EILERS LANE LODI, CA 95242  ( 0) - 0 N	99.00	RVHS REIMB ACSA WRKSH	08/04/2022	23363903 TC-230002	99.00	N
012529 RGM KRAMER INC. 3230 MONUMENT WAY CONCORD, CA 94518  ( 0) - 0 N	46,428.30	8256 DHS CAFE MODERNIZATION 8257 RVHS CULINARY/SCIENCE 8259 WG WINDOW RPLCMNT 8255 WG FIRE ALARM 8260 CMS RPLC PORT. 8251 PROJ MNGMNT 8276 PROJ MNGMNT 8252 PROJ MNGMNT	08/18/2022 08/18/2022 08/18/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022	23366373 PO-230002 23366372 PO-230004 23366373 PO-230008 23366946 PO-220919 23366944 PO-230039 23366944 PO-230081 23366944 PO-230081 23366944 PO-230081	2,212.50 2,662.50 2,100.00 1,200.00 1,414.80 6,585.40 9,655.61 6,283.30	N N N N N N N N

8254	PROJ MNGMNT	08/23/2022	23366944	PO-230081	3,980.50	N
8276	PROJ MNGMNT	08/23/2022	23366946	PO-230081	3,049.14	N
8251	PROJ MNGMNT	08/23/2022	23366946	PO-230081	2,079.60	N
8254	PROJ MNGMNT	08/23/2022	23366946	PO-230081	1,257.00	N
8252	PROJ MNGMNT	08/23/2022	23366946	PO-230081	1,784.20	N
8258	RMS PARKING PROJ	08/25/2022	23367699	PO-230006	843.75	N
8252	ROOFING PROJ CM	08/25/2022	23367699	PO-230084	218.04	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012529 RGM KRAMER INC. (Continued...)		8261 ROOFING PROJ CM	08/25/2022	23367699 PO-230084	785.16	N
		8261 ROOFING PROJ CM	08/25/2022	23367701 PO-230084	247.94	N
		8252 ROOFING PROJ CM	08/25/2022	23367701 PO-230084	68.86	N
000193 RIO VISTA ACE HARDWARE 506 STATE HIGHWAY 12 RIO VISTA, CA 94571  (714) 962-4160	1,266.28	270676 MAINT SUPPLIES	08/25/2022	23367709 PV-230125	1,266.28	N
014859 RIO VISTA BAKERY & CAFE 150 MAIN STREET RIO VISTA, CA 94571  (707) 374-3844	56.36	RVHS SUPPLIES	08/11/2022	23365163 PO-230045	56.36	N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607  ( 0) - 0	1,182.82	DO WASTE SERV DHW/RVHS WASTE SERV	08/02/2022 08/11/2022	23363358 PO-230056 23365162 PO-230056	132.72 1,050.10	N N
012449 S AND S WORLDWIDE 75 MILL STREET COLCHESTER, CT 06415  (800) 288-9941	6.78	101049900 ASP SUPPLIES	08/23/2022	23366956 PV-230111	6.78	N
015693 SACRAMENTO COUNTY CLERK/ RECORDER 600 8TH STREET SACRAMENTO, CA 95814  ( 0) - 0	50.00	WG FIRE ALARM PROJECT NOE	08/25/2022	23367714 PV-230129	50.00	N
010468 SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DIST. 777 12TH STREET 3RD FLOOR	1,283.00	2223-10-00873 RENEWAL PERMIT	08/23/2022	23366957 PV-230112	1,283.00	N

SACRAMENTO, CA 95814-1908

(916) 874-4800

N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012885 SALOMON, TRISHA 50 YOSEMITE DRIVE RIO VISTA, CA 94571	296.50	ED SV SUPPLIES	08/16/2022	23365933 TC-230007	296.50	N
( 0) - 0						N
015134 SAVVAS LEARNING COMPANY PO BOX 409496 ATLANTA, GA 30384-9496	7,418.05	4026658659 BOOKS 7028036149 TEXTBOOKSA 7028036149 SHIPPING 7028061450 DHS CHEMISTRY BKS 7028061450 SHIPPING	08/04/2022 08/16/2022 08/16/2022 08/23/2022 08/23/2022	23363867 CL-220192 23365913 PO-230075 23365913 PO-230075 23366935 PO-230099 23366935 PO-230099	219.46 712.31 52.39 5,942.57 491.32	N Y Y Y Y
( 0) - 0		Y GATEWAY EDUCAT				N
014210 SCHOOL DATEBOOKS, INC. 2880 US HIGHWAY 231 S. SUITE 200 LAFAYETTE, IN 47909	427.81	S22-0228522 WG DATEBOOKS S22-0228522 WG DATEBOOKS	08/25/2022 08/25/2022	23367710 PV-230126 23367710 PV-230126	45.68 382.13	N N
(765) 471-8883						N
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942	267.27	208130569629 CMS SUPPLIES	08/23/2022	23366958 PV-230113	267.27	N
( 0) - 0						N
000316 SCHOOLS INSURANCE AUTHORITY P.O. BOX 276710 SACRAMENTO, CA 95827-6710	717.50	082023.15 EMP ASST 082023.15 EMP ASST	08/04/2022 08/04/2022	23363897 PV-230067 23363897 PV-230067	365.92 351.58	N N
( 0) - 0						N
013193 SCOE P.O. BOX 269003 10474 MATHER BLVD SACRAMENTO, CA 95826	3,100.00	230018 COURIER SERVICES 230096 NETWORK CONNECTION	08/04/2022 08/11/2022	23363898 PV-230066 23365170 PV-230082	1,400.00 1,700.00	N N
( 0) - 0						N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013891 SENTINEL FIRE EQUIPMENT CO INC 5702 BROADWAY SACRAMENTO, CA 95820  (916) 455-5630	222.98	91427 FIRE EXTNGSHR INSP	08/02/2022	23363369 PV-230055	222.98	N
014402 SIERRA DELTA LEAGUE PO BOX 105 GARDEN VALLEY, CA 95633  ( 0) - 0	2,128.67	4-2022-23 RVHS DUES	08/16/2022	23365923 PV-230092	2,128.67	N
000095 SMUD P.O. BOX 15555 SACRAMENTO, CA 95852  ( 0) - 0	15,478.23	ELECT BATES/WG/TRANS ELECT	08/02/2022 08/11/2022	23363360 PO-230038 23365164 PO-230038	29.18 15,449.05	N N
012084 SODEXO INC & AFFILIATES PO BOX 360170 PITTSBURGH, PA 15251-6170  ( 0) - 0	5,170.42	JULY MEALS CAFE	08/18/2022	23366376 PV-230103	5,170.42	N
014069 STAPLES ADVANTAGE 500 STAPLES DRIVE FRAMINGHAM, MA 01702  ( 0) - 0	1,453.71	3513180411 ED SV SUPPLIES DHS SUPPLIES 3515069327 RVHS SUPPLIES 3515500495 CREDIT/PRICE DIFF N STAPLES CONTRA 3515137299 RMS SUPPLIES 3497934881 DHS SUPPLIES 3515500494 BUS OFF SUPPLIES 3514998441 DHW SUPPLIES	08/04/2022 08/11/2022 08/23/2022 08/23/2022 08/23/2022 08/23/2022 08/25/2022	23363883 PO-230024 23365171 PV-230083 23366940 PO-230040 23366940 PO-230040 23366940 PO-230153 23366959 PV-230114 23366959 PV-230114 23367711 PV-230123	50.03 129.77 285.02 68.98 896.32 71.92 54.38 35.25	N N N N N N N N
000096 STEWART INDUSTRIAL SUPPLY INC 608 HWY 12 RIO VISTA, CA 94571  (707) 374-5567	1,228.47	23100 TRANS SUPPLIES 23100 TRANS SUPPLIES	08/02/2022 08/16/2022	23363357 CL-220186 23365914 PO-230117	590.53 637.94	N N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014430 TAQUERIA MEXICO 133 MAIN ST RIO VISTA, CA 94571  (707) 374-2680	232.00	RVHS SUPPLIES	08/11/2022	23365165 PO-230043	232.00	N
015344 THE BRIGHT GROUP PO BOX 10278 NAPA, CA 94581  ( 0) - 0	2,175.00	1041822-1M ROOFING PROJECT 1041822-1M ROOFING PROJECT	08/25/2022 08/25/2022	23367700 PO-230083 23367702 PO-230083	1,653.00 522.00	N N
011477 THE COLLEGE BOARD P.O. BOX 910506 DALLAS, TX 75391-0506  (800) 323-7155	288.00	322211090 DHS PSAT	08/16/2022	23365924 PV-230093	288.00	N
015212 THE HUMAN BEAN 1010 CA-12 RIO VISTA, CA 94571  ( 0) - 0	118.50	RVHS SUPPLIES	08/16/2022	23365915 PO-230044	118.50	N
015686 THE REGENTS OF U.C. DAVIS PO BOX 741816 LOS ANGELES, CA 90074-1816  ( 0) - 0	1,900.00	01-66035676 K. WRIGHT	08/18/2022	23366375 PV-230102	1,900.00	N
014873 TPX COMMUNICATIONS PO BOX 509013 SAN DIEGO, CA 92150-9013  (877) 487-2877	2,935.30	LONG DISTANCE	08/11/2022	23365166 PO-230057	2,935.30	N
014374 TURNITIN 2101 WEBSTER ST STE# 1800	4,294.50	11238151 SOFTWARE	08/09/2022	23364644 PO-230019	4,294.50	Y

OAKLAND, CA 94612

(866) 816-5046

Y

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Vendor Name/Address	Total	Description	Date	Warrant	Reference	Amount	1099
015275 U.S. BANK CORPORATE BUSINESS CARD P.O. BOX 6335 FARGO, ND 58125-6335  (800) 344-5696	11,716.27	SUPPLIES SUPT SUPPLIES TRANS SUPPLIES MAINT SUPPLIES RMS SUPPLIES MAINT REFUND DHS FROM DEPOSIT BTS HOTEL LATE FEE BTS HOTEL SUPPLIES BTS HOTEL SUPPLIES RM CHRG SUPPLIES LAST PAYMENT/TO BE REIMB HR MMBRSHIP	08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/04/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022 08/25/2022	23363868 23363868 23363868 23363868 23363868 23367713 23367713 23367713 23367713 23367713 23367713 23367713 23367713 23367713 23367713 23367713	CL-220198 CL-220199 CL-220200 CL-220201 CL-220202 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128 PV-230128	189.34 339.76 325.10 221.00 936.00 95.00 623.75 1,060.28 48.48 1,060.28 277.68 1,060.28 394.56 10.44 91.91 4,943.41 229.00	N N N N N N N N N N N N N N N N N N
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328  ( 0) - 0	475.10	DO SHIPPING DO SHIPPING DO SHIPPING DO SHIPPING DO SHIPPING	08/04/2022 08/09/2022 08/11/2022 08/23/2022 08/25/2022	23363899 23364653 23365172 23366960 23367712	PV-230068 PV-230077 PV-230084 PV-230115 PV-230127	53.97 36.00 50.93 167.16 167.04	N N N N N
013997 VERIZON WIRELESS ONE VERIZON PLACE ALPHARETTA, GA 30004  ( ) -	3,618.85	DIST WIDE CELLULAR SP ED CELLULAR ASP CELLULAR SP ED CELLULAR DIST WIDE CELLULAR ASP CELLULAR	08/02/2022 08/02/2022 08/02/2022 08/23/2022 08/23/2022 08/23/2022	23363361 23363361 23363361 23366941 23366941 23366941	PO-230035 PO-230035 PO-230035 PO-230035 PO-230035 PO-230035	2,084.79 15.72 62.88 15.72 1,376.86 62.88	7 7 7 7 7 7
015674 WARREN CONSULTING ENGINEERS 1117 WINDFIELD WAY STE. 110 EL DORADO HILLS, CA 95762  ( 0) - 0	27,500.00	43785 DHS SURVEYING 43781 RMS SURVEYING 43783 RVHS SURVEYING	08/18/2022 08/18/2022 08/18/2022	23366370 23366369 23366369	PO-230069 PO-230070 PO-230071	6,500.00 11,000.00 10,000.00	N N N
010906 WASTE MANAGEMENT OF WOODLAND P.O. BOX 78251 PHOENIX, AZ 85062-8251	1,160.50	DHS WASTE SERV	08/11/2022	23365167	PO-230054	1,160.50	N

( 0) - 0 N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013341 WESTERN ASSOCIATION 533 AIRPORT BLVD SUITE 200 BURLINGAME, CA 94010-2009  (650) 696-1060	3,270.00	1317770 RVHS SITE VISIT 1315268 RVHS ACCREDITATION 1315267 DHS ACCREDITATION	08/16/2022 08/16/2022 08/16/2022	23365925 PV-230094 23365925 PV-230094 23365925 PV-230094	1,010.00 1,130.00 1,130.00	N N N
015267 WHITELEY, VERONICA 1925 RUSTIC OAK LANE RIO VISTA, CA 94571  ( 0) - 0	192.87	CABE CONF REIMB	08/16/2022	23365934 TC-230008	192.87	N
000490 WILCO SUPPLY 1973 DAVID ST SAN LEANDRO, CA 94577  (800) 745-5450	1,319.77	9875092 MAINT SUPPLIES 9879774/9875092 MAINT SUPPLIES 9879774-01/9875092-02 MAINT 9875092-03 MAINT SUPPLIES	08/02/2022 08/09/2022 08/23/2022 08/25/2022	23363370 PV-230056 23364645 PO-230114 23366942 PO-230114 23367698 PO-230114	677.83 174.31 134.60 333.03	N N N N
014818 WILLDAN FINANCIAL SERVICES 27368 VIA INDUSTRIA, SUITE 200 TEMECULA, CA 92590  (951) 587-3500	2,902.50	010-52017 PROF SERV	08/16/2022	23365929 PV-230099	2,902.50	N
012528 WILLIAMS SCOTSMAN INC 901 SOUTH BOND ST. #600 BALTIMORE, MD 21231  (800) 782-1500	933.20	RVHS MOD LEASE MINUS CREDIT RMS MOD LEASE MINUS CREDIT DHW MOD LEASE MINUS CREDIT	08/04/2022 08/04/2022 08/04/2022	23363889 PO-230088 23363889 PO-230088 23363889 PO-230088	233.30 466.60 233.30	N N N
014049 WILSON ARCHITECTURE INC 609 15TH STREET MODESTO, CA 95354  ( 0) - 0	10,152.50	20220529 WG WINDOW RPLCMNT	08/04/2022	23363886 PO-230007	10,152.50	N
014450 WIZIX 4777 BENNETT DRIVE SUITE D	1,728.99	285633 DHS PRINT CHRGS 285632 DHW PRINT CHRGS	08/02/2022 08/02/2022	23363371 PV-230057 23363371 PV-230057	200.29 79.78	N N

LIVERMORE, CA 94551

(916) 913-6191

N WIZIX TECHNOLO

285622	WG PRINT CHRGS	08/02/2022	23363371	PV-230057	149.74	N
285621	BATES PRINT CHRGS	08/02/2022	23363371	PV-230057	105.32	N
286460	ED SV TONER	08/04/2022	23363900	PV-230069	39.20	N
275793	DHS PRINT CHRGS	08/09/2022	23364638	CL-220205	116.61	N
286872	RHVS PRINT	08/11/2022	23365173	PV-230085	83.19	N
286867	ISLE PRINT	08/11/2022	23365173	PV-230085	35.39	N
288166/288434	DIST OFF PRINT	08/16/2022	23365926	PV-230096	183.87	N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014450 WIZIX (Continued...)		289394 WG PRINT	08/23/2022	23366961 PV-230116	126.61	N
		289309 INK SHIPPING	08/23/2022	23366961 PV-230116	50.00	N
		289386 DO PRINT	08/23/2022	23366961 PV-230116	558.99	N
000386 YOLO COUNTY ENVIRONMENTAL HEAL 292 W. BEAMER STREET WOODLAND, CA 95695  (530) 666-8646	478.50	115004/114994 CAFE PERMITS	08/16/2022	23365928 PV-230098	478.50	N
District total:	1,288,465.59					
Report total:	1,288,465.59					

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments:   X  

From: Nancy Vielhauer, Assistant Superintendent of Educational Services   Item Number: 10.4

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

**SUBJECT:**

Request to Approve the Agreement with Document Tracking Services for the 2022-2023 School Year

**BACKGROUND:**

River Delta Unified School District has utilized Document Tracking Services for the last year for our Student Accountability Report Cards (SARCs) and our Single Plans for Student Achievement (SPSA) templates. 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 2021-2022 contract with Document Tracking Services was \$4,650. The 2022-2023 Document Tracking Services contract is \$4,650.

**STATUS:**

The District would like to use Document Tracking Services for our SARC and SPSA templates for the 2022-2023 school year.

**PRESENTER:** Nancy Vielhauer, Assistant Superintendent of Educational Services

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

Not to exceed \$4,650 from Educational Services funding.

**RECOMMENDATION:**

That the Board approves the Agreement with Document Tracking Services for the 2022-2023 school year at a cost not to exceed \$4,650.

Time allocated: 2 minutes



## LICENSING AGREEMENT

This Agreement effective **October 15, 2022**, 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  
10606 Camino Ruiz, Suite 8-132  
San Diego, CA 92126  
858-784-0960 - Phone  
858-587-4640 - Corporate Fax

Date: August 16, 2022

Licensee

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

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

River Delta Unified School District



### **Exhibit A**

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

1. 2022 School Accountability Report Card, English & Spanish (CDE Template)
2. 2022 School Plan for Student Achievement (CDE Template)
3. 2022 Comprehensive School Safety Plan (Custom Template)
4. 2022 Local Control and Accountability Plan (CDE Template)
5. Others to be identified as needed.



August 16, 2022

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

Re: Document Tracking Services

**\*\*PLEASE NOTE NEW MAILING/REMIT ADDRESS\*\***

**INVOICE #9457103**

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

**Document Tracking Services**

Document Tracking Services [10/15/22 to 10/15/23]: \$3,000  
11 schools and District Personnel = 12 sites  
License Agreement includes up to 5 documents

**Translation Services**

2022 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  
10606 Camino Ruiz, Suite 8-132  
San Diego, CA 92126  
858-784-0960 - Phone  
858-587-4640 - Corporate Fax

Thank you!

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Approved Per Payment (Signature)

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Name/Role (Printed)

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Tammy Busch, Asst. Supt. of Business Services

Item Number: 10.5

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

**SUBJECT:**

Request to Approve the Renewal Subscription with Frontline Education for Absence and Time Solution and Frontline Central Solution

**BACKGROUND:**

Frontline Absence and Time will allow the District to manage employee absences and notify substitutes when there is a need, without an employee making the phone calls. This will automate employee absences and substitute reporting for school sites, payroll and Human Resources.

Frontline Central is an electronic employee records management system that will enable the District to provide information electronically to new and existing employees. This will include new hire onboarding, contract renewals, and mandatory trainings.

**STATUS:**

Frontline has been implemented districtwide as of July 1, 2022.

**PRESENTER:**

Tammy Busch, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT: N/A**

**COST AND FUNDING SOURCES:**

Annual cost is \$20,696.13 – General Fund

**RECOMMENDATION:**

That the Board approves the renewal subscription with Frontline Education for the Absence and Time Solution and Frontline Central Solution.

Time allocated: 10 minutes





1400 Atwater Drive Malvern, PA 19355

10/06/2021

Customer:	Order Form Details:
River Delta Joint Unified School District 445 Montezuma St RIO VISTA, California, 94571-1699 United States	<b>Pricing Expiration:</b> 11/04/2021 <b>Quote Currency:</b> USD <b>Account Manager:</b> Steven Wright
<b>Contact:</b> Tammy Busch <b>Title:</b> Chief Business Officer <b>Phone:</b> 707-374-1715 <b>Email:</b> tbusch@rdusd.org	<b>Startup Cost Billing Terms:</b> One-Time, Invoiced after signing <b>Subscription Billing Frequency:</b> Annual <b>Sale Type:</b> New <b>Initial Term:</b> 11/01/2021 – 6/30/2023

Pricing Overview	Amount
<b>One-Time Fees</b>	<b>\$7,125.00</b>
<b>Annual Recurring Fees</b>	<b>\$6,284.25</b>
<b>(Initial Term Prorated Fees)</b>	<b>\$4,166.54</b>

One-Time Fees Itemized Description	Quantity	Amount (each)	Amount
Frontline Implementation	1	\$7,125.00	\$7,125.00

Annual Recurring Fees Itemized Description	Start Date	End Date	Amount
(Time & Attendance, unlimited usage for internal employees Prorated Term)	11/01/2021	6/30/2022	\$4,166.54
Time & Attendance, unlimited usage for internal employees	7/01/2022	6/30/2023	\$6,284.25



## Exhibit A Frontline Customer Order Form

Q-75622

MSA-001f400000S9G6K

09/14/2021

1400 Atwater Drive Malvern, PA 19355

**Customer:**

River Delta Joint Unified School District  
500 Elm Way  
RIO VISTA, California,  
United States

**Contact:** Tammy Busch**Title:** Chief Business Officer**Phone:** 707-374-1715**Email:** tbusch@rdusd.org**Order Form Details:****Pricing Expiration:** 9/22/2021**Quote Currency:** USD**Account Manager:** Steven Wright**Startup Cost Billing Terms:** One-Time, Invoiced after signing**Subscription Billing Frequency:** Annual**Sale Type:** New**Initial Term:** 9/21/2021 – 6/30/2023**Pricing Overview****Amount****One-Time Fees****\$9,975.00****Annual Recurring Fees****\$14,411.88****(Initial Term Prorated Fees)****\$11,174.14**

One-Time Fees Itemized Description	Quantity	Amount (each)	Amount
Frontline Implementation	1	\$9,975.00	\$9,975.00

Annual Recurring Fees Itemized Description	Start Date	End Date	Amount
(Frontline Central Solution Prorated Term)	9/21/2021	6/30/2022	\$5,363.00
(Absence & Substitute Management, unlimited usage for internal employees Prorated Term)	9/21/2021	6/30/2022	\$5,811.14
Frontline Central Solution	7/01/2022	6/30/2023	\$6,916.95
Absence & Substitute Management, unlimited usage for internal employees	7/01/2022	6/30/2023	\$7,494.93

# BOARD OF TRUSTEES RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1561

## BOARD AGENDA BRIEFING

Meeting Date: September 13, 2022

Attachments: X

From: Nancy Vielhauer, Asst. Superintendent of Educational Services

Item Number: 10.6

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

### SUBJECT:

Request to Approve the A-G Completion Grant Plan – The Plan Assures the Allocated Funding to the District and Schools are for Supplemental Programs/Services to Students, Parents/Guardians, and Staff

### BACKGROUND:

The A-G Completion Improvement Grant is state funding provided to local educational agencies (LEAs) for additional supports to help increase the number of California high school pupils, particularly low-income, English learner, and foster youth students, who graduate from high school with A-G eligibility. California law does not require LEAs to apply for funding under the A-G Completion Improvement Grant Program, as Ed Code 41590 prescribes an allocation formula that determines the amount of grant funds each qualifying LEA will receive. RDUSD is expecting to receive \$175,769 from this allocation, which has yet to be finalized by the state.

In compliance with Ed Code 41590 requires the development of a plan, no later than April 1st, 2022, describing how the LEA plans to utilize their grant funds to improve A-G eligibility and completion rates, and for the plans to be discussed and at a regular board meeting and then adopted at a subsequently scheduled regular board meeting. While we are out of the compliance date range and have received our first apportionment the district has not yet spent these monies. LEAs are not required to submit their plans to their county offices of education, nor are they required to submit them to the CDE. LEAs will be required to report to the CDE how they are measuring the effectiveness of their grant investments, pursuant to the plans they developed and adopted, and their outcomes based on those measurements. This report is due on or before December 31, 2023.

### STATUS:

The plan must be in place before funds are spent and programs and services are implemented.

### PRESENTER:

Nancy Vielhauer, Asst. Superintendent of Educational Services

### OTHER PEOPLE WHO MIGHT BE PRESENT:

Staff

### COST AND FUNDING SOURCES:

There is no cost to the district.

### RECOMMENDATION:

That the Board Approves the A-G Completion Grant Plan as submitted.

Time allocated: 2 minutes

**A plan description of how the funds will be used to increase or improve services for foster youth, low-income, and English Learners to improve A-G eligibility.**

River Delta Unified School District (RDUSD), a small rural district nestled in northern California along the Sacramento River, continues to be committed to preparing today's students for tomorrow's challenges in a safe, engaging, and student-centered learning environment. This remains a commitment to all students including homeless and foster youth, low-income students, and English Learners; where each student realizes his/her potential, develops respect and tolerance for self and others, and becomes a productive member of our global society. As a TK-12 district, RDUSD strives to provide a 21st Century education, providing all students including homeless and foster youth, low-income students, and English/multilingual learners at the elementary and middle school level with the developing of skills and capacity for lifelong learning through targeted instructional support and the opportunity to engage in learning activities that align with a pre-A-G academic foundations. All high school students, including homeless and foster youth, low-income students, and English Learners, will have access to A-G courses including Advanced Placement and Dual Enrollment opportunities, with ongoing teacher support as well as opportunities for pathway exploration and/or collegiate post-secondary learning and career paths.

To support efforts of continuous improvement and improve or increase services, providing targeted professional development for administrators, counselors, and other identified educators in areas that include ...

- understanding why A-G course completion is important for students, regardless of their postsecondary goals
- connecting college and career readiness to students' desired pathways of study
- understanding the College and Career Readiness Indicators measures in order to optimize performance on the California Dashboard
- disaggregating A-G data by student groups to identify successes and areas for improvement
- interpreting the data, developing and implementing comprehensive advising plans, analyzing transcripts, and shifting mindsets to support A-G completion increases
- using instructional strategies to more effectively engage learners
- academic support for students struggling in A-G courses
- funding support for students who wish to take the AP exams
- identifying and modifying structures and systems that may be inhibiting A-G completion rates
- identifying and correcting systems issues in reporting A-G data in CALPADS in supporting the development of a comprehensive, equity focused A-G Completion Improvement Grant Plan

In addition, staff will participate in professional development that promotes access to and successful completion of A-G courses including depth of understanding of A-G requirements, assessment of and for learning, with articulation to promote successful completion of A-G coursework, and empowering students as critical thinkers and lifelong learners. Additional efforts will include ongoing parent/guardian discussion, education, and advisory in A-G requirements, coursework and advising program developments, and student planning, application and financial supports for postsecondary access for all.

**A description of the extent to which all students, including foster youth, low-income students, and English learners, will have access to A-G courses approved by the University of California.**

As a TK-12 district, RDUSD strives to provide all students including homeless and foster youth, low-income students, and English Learners at the elementary, middle, and high school level with the developing of skills and capacity for lifelong learning as the progress toward A-G completion. All high school students, including homeless and foster youth, low-income students, and English Learners, will have access to A-G courses including Advanced Placement with Dual Enrollment. Student have the opportunity to participate in educational and career pathway exploration in both the classroom and by utilizing counseling services provided. Technology resources and subscriptions to virtual learning resources will improve access and equity to homeless and foster youth, low-income students, and English Learners to help close the achievement gap and support learners in successfully completing A-G coursework towards post-secondary opportunities. Through evidenced-based staff professional development, teachers, counselors, and administrators will build the expertise to analyze progress monitoring, benchmark, and other assessment data, refine instructional support strategies, and empower parents/guardians as partners in improving eligibility and successful completion of A-G courses for homeless and foster youth, low-income students, and English Learners.

**The number of students who were identified for opportunities to retake A-G approved courses in which they received a "D", "F", or "Fail" grade in the 2020 spring semester or the 2020-21 school year and a description of the method used to offer the opportunity retake courses.**

Number of Students: 80 In 2021/22, 49.6% (80 of 161 students in four-year graduation cohort combined secondary sites) students who graduated with a high school diploma successfully met UC/CSU A-G requirements. For any student who receives a D or F grade in an A-G course(s), RDUSD provides the opportunity to retake the course during the regular school year, as well as during summer school. School counselors identify and provide academic counseling to students to support successful completion or recovery of A-G requirements.

**A description of how the plan and described services, and associated expenditures, if applicable, supplement services in the Local Control and Accountability Plan and Learning Recovery Plan.**

The River Delta Unified School District A-G Completion and Improvement Grant Plan will provide supplementary services and strategies including providing key staff training on A-G supports, use of data around homeless and foster youth, low-income students, and English Learners, research-based practices for improving student engagement, assessment for learning, and improve access to AP exams for students. All students will have access to A-G coursework and grade-level experiential learning. Students will have access to additional supports and opportunities for retaking A-G coursework, during regularly scheduled school hours and summer school.

Supports efforts in LCAP Goal 1: Improve and support student learning to close achievement gaps and ensure all students who graduate are college and career ready.

1. professional development for teachers, counselors and administration re: A-G, data analysis, counseling initiatives. Increase academic success in A-G course by offering access to remote tutoring services. LCAP actions 1.2, 1.5, 1.10.

Supports efforts in Goal 2: Provide an instructional program that supports full implementation of the CCSS, NGSS and ELD Standards in Grades TK12

1. Professional development toward improving students and staff knowledge of the California Standards for College and Career Readiness in grades 9-12. LCAP actions 2.6

2. Professional development to improve learning through utilization of engaging classroom strategies and or programs. LACP action 2.7.

Supports efforts in Goal 4: Provide meaningful and varied opportunities for parents to increase their connectiveness to their child’s school, and to be involved with supporting their child’s academic achievement.

1. Implementation of Naviance (or similar program) will provide a platform with ongoing support and communication with students and parents/guardians; supplementing LCAP action 4.1 and 4.2
2. Professional development for teachers, administrators and counselors through to assist in expanding access to improve the LEA's A-G completion rate and implementation of improvements to our core counseling program. LCAP action 4.1 and 4.7.

Support efforts in Goal 5: Foster a school and district culture that ensures academic, social and emotional well-being for all students.

1. Professional development for educators to improve classroom culture. LCAP action 5.1
2. Professional development for counseling program to improve A-G completion rate. LCAP action 5.3.

Planned Expenditures

<b>Programs or services in increase or improve A-G completion</b>	<b>Approximate Cost</b>
Academic assistance through a remote tutoring service for secondary students to increase passing rates in A-G courses.	\$35,000
Naviance, or similar platform for college and career planning as part of a comprehensive counseling program.	\$25,000
Expand services for students who need additional opportunities to recover credits for A-G courses	\$10,000
Training for educators to form Data-Based-Decision-Making (DBDM) teams, utilizing data to design interventions, and creating systemic change.	\$25,000
Training for counselors on Free Application for Federal Student Aid (FAFSA) completion improvement projects, student focused master schedule building activities, school counselors and the accreditation process, dropout prevention and alternative education, college/career readiness programs, 9th grade transition programs.	\$25,000
Funding to support students to participate in AP exams and teachers to be trained to teach AP	\$10,000
Provide dual enrollment/articulated courses to expand access to coursework that satisfies A-G course requirements for all students	\$10,000
Professional development training for educators on instructional strategies to engage reluctant students.	\$35,000

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

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

From: Katherine Wright, Superintendent

Item Number: 10.7

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

**SUBJECT:**

Donations

**River Delta Unified School District**

Delta Moose Lodge – School Supplies (approx. \$200)

**BACKGROUND:**

Donations to Receive and Acknowledge:

**STATUS:**

**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: September 13, 2022

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 June 2022. In addition, Revisions to Regulation 4151: Employee Compensation.

**BACKGROUND:**

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

**STATUS:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to June 2022 which were approved for first reading at the August 9, 2022 Board meeting.

These Board Policies, Administrative Regulations and Exhibits are being submitted for a second and final reading and approval.

**PRESENTER:**

Katherine Wright, Superintendent and Tammy Busch, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the second and final reading of these Board Policies, Administrative Regulations and Exhibits as submitted resulting from legislation effective prior to June 2022, as well as Regulation 4151: Employee Compensation.

Time allocated: 3 minutes



**CSBA POLICY GUIDE SHEET**  
**June 2022**

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 0420.41 - Charter School Oversight**

Policy updated to reflect that a charter school proposing to expand operations to one or more additional sites or grade levels is required to request a material revision to its charter and notify the Governing Board of the additional locations or grade levels whether a proposal to expand operations is concurrent with or unrelated to a renewal, add a new section heading "Fees/Charges for Supervisorial Oversight" and rearrange material within this section for clarity, provide that it is the County Superintendent of Schools who may request that the California Collaborative for Educational Excellence be assigned to provide assistance to a charter school that fails to improve outcomes in regard to state or school priorities identified in the charter, as specified, and add that complaints alleging noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes) may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

**Exhibit(1) 0420.41 - Charter School Oversight**

Exhibit updated to reflect **NEW ATTORNEY GENERAL OPINION (20-102, 2021)** which found that a charter school's executive director or any of a charter school's employees may not serve as a member of the county board of education in the county where the charter school is located, **NEW LAW (AB 27, 2021) and (SB 400, 2021)** regarding identification of homeless children and unaccompanied youth, **(SB 224, 2021)** regarding the requirement to include instruction in mental health in health education course(s), **(AB 132, 2021)** regarding the completion and submission of the Free Application for Federal Student Aid and the California Dream Act Application, **(AB 643, 2021)** regarding notification to apprenticeship programs when a charter school is planning to hold a college or career fair, and **NEW LAW (AB 130, 2021)** regarding (1) phased in starting dates for which districts are required to offer a transitional kindergarten (TK) program; (2) the requirement to develop a plan for offering independent study if an affidavit is necessitated by an emergency condition that resulted in a school closure; (3) qualifications for TK teachers and adult to student ratios for TK classrooms; (4) verification of a valid criminal records summary for employees of entities that a charter school contracts with; and (5) the requirement to provide a breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility. Exhibit also updated to reflect **NEW LAW (SB 722, 2021)** regarding the required presence of at least one adult with a valid certification of cardiopulmonary resuscitation training when hosting an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, and **(AB 367, 2021)** regarding the requirement to stock school restrooms with an adequate supply of free menstrual products, as specified. Additionally, exhibit updated to add or amend requirements related to high school graduation, the review of potential misassignments and vacant positions, the public employees retirement system, and the training of security officers.

**Exhibit(1) 1113 - District and School Web Sites**

Exhibit updated to reflect **NEW LAW (AB 27, 2021)** which includes posting requirements related to the identification of homeless students and **NEW LAW (AB 819, 2021)** which includes posting requirements related to specified environmental review documents as required by the California Environmental Quality Act. Exhibit also updated to add posting requirements related to posters published by the California Department of Fair Employment and Housing, and amend the item regarding the district's meal payment collection policy and procedures to reference a different memorandum regarding unpaid meal charges.

**Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures**

Regulation updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which amends the definition of "beginning of the year or semester" and **NEW LAW (AB 367, 2021)** which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate

supply of menstrual products in specified restrooms beginning with the 2022-23 school year. Regulation also updated to clarify that the principal or Superintendent's designee is required to send a written resolution of the complaint to the mailing address of the complainant when the complainant has indicated on the complaint form a desire to receive a response to the complaint.

**Exhibit(2) 1312.4 - Williams Uniform Complaint Procedures**

Exhibit updated to include that, for a school that serves any of grades 6-12, a complaint may be filed for failure to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms, as required by **NEW LAW (AB 367, 2021)**.

**Board Policy 3110 - Transfer of Funds**

Policy updated to delete an authorization for the temporary transfer of funds which only pertained to the 2020-21 and 2021-22 fiscal years.

**Administrative Regulation 3517 - Facilities Inspection**

Regulation updated to reflect **NEW LAW (AB 367, 2021)** which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate supply of menstrual products in specified restrooms beginning with the 2022-23 school year, and to post a notice, as specified, regarding this requirement in a prominent and conspicuous location.

**NEW - Exhibit(1) 3517 - Facilities Inspection**

New exhibit presents a sample of the required notification to be posted in a prominent and conspicuous location in each restroom where free menstrual products are required to be stocked, pursuant to **NEW LAW (AB 367, 2021)**.

**NEW - Board Policy 3523 - Electronic Signatures**

New policy reflects the authorization for districts to use electronic signatures in their communications and operations, including the benefits of electronic records and signatures, the requirement that electronic signatures conform with criteria described in law and that the level of security is sufficient for the transaction being conducted, and that electronic records are retained in accordance with law and regulations and as specified in board policy and administrative regulation.

**NEW - Administrative Regulation 3523 - Electronic Signatures**

New regulation establishes procedures for district use of electronic signatures, including that in any business transaction electronic signatures may be used only when each party has agreed to conduct the transaction in such a manner and that in other district operations electronic signatures may be required, criteria that must be met in order for an electronic signature to be used, and specific requirements for notarized signatures and statements that are required to be signed under penalty of perjury.

**Board Policy 3550 - Food Service/Child Nutrition Program**

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and **NEW LAW (AB 486, 2021)** which authorizes the coordination of food service programs with classroom instruction and other related district programs.

**Administrative Regulation 3550 - Food Service/Child Nutrition Program**

Regulation updated to reflect changes necessary to implement **NEW LAW (AB 130, 2021)** which requires the provision of a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and make other clarifying changes in the "Food Safety" section.

**Board Policy 3551 - Food Service Operations/Cafeteria Fund**

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, including revisions to the "Meal Sales" and "Program Monitoring and Evaluation" sections.

### **Administrative Regulation 3551 - Food Service Operations/Cafeteria Fund**

Regulation updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility. Updated Regulation includes revision to "Payment for Meals," "Cafeteria Funds," and "Contracts with Outside Services" sections to make them generally applicable to all food service programs and the deletion of the "Unpaid and Delinquent Meal Charges" section which is no longer applicable.

### **Board Policy 3553 - Free and Reduced Price Meals**

Policy updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility. Updated policy includes general requirements applicable to federal National School Lunch and Breakfast Programs as well as the state Universal Meal Program. Updated Policy also includes revision to the "Confidentiality/Release of Records" section to permit the use of student information to facilitate the provision of targeted educational services to a student based on the local control and accountability plan, as clarified in the California Department of Education's Management Bulletin SNP-02-2018.

### **Administrative Regulation 3553 - Free and Reduced Price Meals**

Regulation updated to reflect **NEW LAW (AB 130, 2021)** which requires districts to provide a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free and/or reduced-price meal eligibility, and includes program implementation changes to "Verification of Eligibility" and "Nondiscrimination Plan" sections and the deletion of the "Prices" section which is no longer necessary.

### **Administrative Regulation 4112.2 - Certification**

Regulation updated to expand the section on "Basic Skills Proficiency" to include a list of the ways a person may demonstrate basic skills proficiency, and reflect **NEW LAW (AB 130, 2021)** which exempts a person from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework and, in conjunction with **NEW LAW (AB 167, 2021)**, exempts a person from the basic skills proficiency test requirement if it is determined that a person has demonstrated proficiency through a combination of coursework, passage of a component(s) of the basic skills proficiency test, and other specified exams. Section also updated to reflect **NEW LAW (AB 320, 2021)** which impacts what is "qualifying coursework" by defining a "regionally accredited institution" to include an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status, in addition to an institution of higher education that has already been designated as regionally accredited at the time the degree of an applicant for a credential was conferred. Additionally, regulation updated to provide more detail for when an out-of-state prepared teacher is not required to meet the basic skills requirement within one year of being issued a California preliminary credential by the California Commission on Teacher Credentialing.

### **Administrative Regulation 4161.8/4261.8/4361.8 - Family Care and Medical Leave**

Regulation updated to reflect **NEW LAW (AB 1033, 2021)** which changed the definition of "parent" to include a parent-in-law for the purposes of the California Family Rights Act (CFRA), by adding "parent-in-law" to the definitions of "eligible family member" and "parent" within the "Definitions" section. Regulation also updated to delete the last sentence in the first body paragraph in the "Terms of Leave" section, as it is no longer legally accurate.

### **Administrative Regulation 6173.1 - Education for Foster Youth**

Regulation updated to reflect **NEW LAW (AB 1055, 2021)** which modified the definition of "foster youth" to include a dependent child of a court of an Indian tribe, consortium of tribes, or tribal organization, and includes the definition of "foster youth" as specified in law. Regulation also updated to make clarifying changes to the responsibilities of the district liaison for foster youth.

**Policy 0420.41: Charter School Oversight**

**Status:** ADOPTED

**Original Adopted Date:** 10/01/2013 | **Last Revised Date:** 03/06/2020 ~~2020~~2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance is necessary when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, ~~the SBE may, by mutual agreement,~~ is required to designate its ~~supervisory and oversight responsibilities to~~ in consultation with the petitioner, either the Board or ~~to any local educational agency in the county in which~~ County Board as the charter school is located chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication "Charter Schools: A Guide for Governance Teams," recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication "Charter Schools: A Guide for Governance Teams," recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's guide suggests that an alternative approach may be for the district to designate its charter school contact, appointed pursuant to Education Code 47604.32, to attend meetings of the charter school board.

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

## Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) web site.

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school.

## Provision of District Services

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

## Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

CSBA NOTE: As amended by AB 1505 (Ch. 486, Statutes of 2019) and AB 1595 (Ch. 543, Statutes of 2019), Education Code 47605 requires a charter school to request a material revision to its charter whenever it proposes to expand operations at one or more grade levels.

If an approved charter school proposes to ~~establish or move~~ expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605, 47607)

The Board shall have the authority to determine whether a proposed change in charter school operations

constitutes a material revision of the approved charter.

## Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.

The Superintendent or designee shall monitor each Any charter school that is authorized by the district Board shall be monitored by the Superintendent or designee to determine whether ~~it~~ the charter school complies with all legal requirements applicable to charter schools, including ~~making~~ all reports required of charter schools ~~in accordance with~~ by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for "all groups of students served by of the charter school", including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 47607, "all groups of students served by the charter school" means all numerically significant subgroups of students served by the charter school, as defined in Education Code 52052. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students (or 15 foster youth or homeless students).

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable ~~memorandum of understanding~~ MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

## Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides

that the costs of supervisory oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. CSBA's publication, "Charter Schools: A Guide for Governance Teams," suggests that supervisory oversight activities also might include site visits and site visit protocols, development of memorandums of understanding, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

The district may charge for district supervisory oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of a the charter school's revenue ~~for the actual costs of supervisory oversight of the school. However, if the district provides the~~ charter school is able to obtain substantially rent-free with facilities from under Education Code 47614 and charges the district, charter school a pro-rata share of the district may charge facilities cost
2. Actual costs up to three percent of the charter school's revenue ~~for actual~~ if the district provides the charter school substantially rent-free facilities

### Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3, as amended by AB 1505, establishes criteria for the provision of technical assistance to charter schools beginning with the 2020-2021 school year, including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code ~~45607~~ 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in ~~items~~ Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities

described in ~~items~~Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the ~~district:~~ (Education Code 47607.3)

1. ~~Shall provide technical assistance to the charter school based on the California School Dashboard~~

2. ~~May~~County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of the ~~California Collaborative for Educational Excellence~~CCEE or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school.

## Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

Each charter school shall establish and maintain policies and procedures ~~to enable any person to file a complaint~~, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670; to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3: to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

## School Closure

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a



responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; and (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CDE's web site also [CSBA's, "Charter Schools: A Guide for Governance Teams,"](#) recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

~~CDE's web site recommends that charter school closures occur at the end of a school year if it is feasible to maintain a legally compliant program until then.~~

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding [an MOU](#), provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out [of the charter school](#).

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of ~~the~~ a charter is denied, ~~the~~ a charter is revoked, or ~~the~~ a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
24 CCR 101	California Building Standards Code
5 CCR 11700-11705	Independent study
5 CCR 11960-11969. <a href="#">10</a>	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
<a href="#">Business and Professions Code 7583.45</a>	<a href="#">Training for security officers</a>
CA Constitution Article 16, Section 8.5	<del>Public finance; school accountability report card</del> <a href="#">Public finance; school accountability report card</a>
CA Constitution Article 9, Section 5	<del>Common school system</del> <a href="#">Common school system</a>

Corp. Code 5110-6910	<del>Nonprofit public benefit corporations</del> <u>Nonprofit public benefit corporations</u>
<u>Ed. Code 1006</u>	<u>Prohibition against school district employees serving on county board of education</u>
Ed. Code 17070.10-17079.30	<del>Leroy F. Greene School Facilities Act</del> <u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17280-17317	<del>Approval</del> <u>Field Act; approval</u> of plans and supervision of construction
Ed. Code 17365-17374	<del>Fitness of buildings</del> <u>Field Act; fitness</u> for occupancy; liability of board members
Ed. Code 215	<del>Student suicide</del> <u>Suicide</u> prevention policies
Ed. Code 215.5	Student identification cards; <u>;</u> inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; <u>;</u> notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; <u>swimming pool safety that is not part of interscholastic athletic program</u>
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
<u>Ed. Code 35292.6</u>	<u>Stocking of menstrual products</u>
Ed. Code 35330	Field trips and excursions; student fees
<u>Ed. Code 38001.5</u>	<u>Training for security officers</u>
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures

Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Applicants for employment; fingerprints for purpose of <del>criminal</del> <u>Criminal</u> record summary
<u>Ed. Code 44258.9</u>	<u>Monitoring of teacher assignments</u>
Ed. Code 44691	Information on detection of child abuse; <u>annual training</u>
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	<del>Criminal background checks for contractors; criminal records summary;</del> <u>employees of contracting entity</u>
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
<u>Ed. Code 46390-46393</u>	<u>Emergency average daily attendance</u>
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of <del>students in foster care</del> <u>youth</u> and <del>students who are homeless</del> <u>students</u>
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 48913.5	<del>Homework</del> <u>Suspended students; homework</u> assignments for <del>suspended students</del>
Ed. Code 48950	Speech <u>Freedom of speech</u> and other communication
<u>Ed. Code 48985</u>	<u>Notices to parents in language other than English</u>
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Student records; definitions
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging <del>content of</del> <u>student</u> records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; <u>minutes of board meeting</u>

Ed. Code 49076.7	Student records; data privacy; <del>Social Security</del> <a href="#">social security</a> numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	<del>Advertisement</del> <a href="#">Prohibition of advertisement</a> of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
<a href="#">Ed. Code 49501.5</a>	<a href="#">Free breakfast and lunch to all students</a>
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
<a href="#">Ed. Code 49564.3</a>	<a href="#">Provision of federal universal meal service</a>
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
<del>Ed. Code 51224.7</del>	<del>Mathematics placement policy</del>
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
<a href="#">Ed. Code 51225.3</a>	<a href="#">High school graduation requirements</a>
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
<a href="#">Ed. Code 51225.7-51225.8</a>	<a href="#">Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application</a>
Ed. Code <del>51513</del> <a href="#">51413</a>	Diploma of graduation; without passage of high school exit examination
Ed. Code 51745- <a href="#">51749.6</a>	Independent study
<a href="#">Ed. Code 51925-51929</a>	<a href="#">Mandatory mental health education</a>
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. code 56040.3	<del>Assistive</del> <a href="#">Availability of assistive</a> technology <a href="#">device</a>
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code <del>60600-60649</del> <a href="#">60648.5</a>	Assessment of academic achievement

Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
<a href="#">Lab. Code 3074.2</a>	<a href="#">Notice of college and career fairs</a>
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	<del>Discrimination</del> <a href="#">Title IX of the Education Amendments of 1972; discrimination</a> based on sex or blindness, Title IX
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.7879	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
<b>Management Resources</b>	<b>Description</b>
<a href="#">Attorney General Opinion</a>	<a href="#">104 Ops.Cal.Atty.Gen. 66 (2021)</a>
Attorney General Opinion	<del>Opinion No. 11-201</del> <a href="#">101 Ops.Cal.Atty.Gen. 92</a> (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School; (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017
California Department of Education Publication	Special Education and Charter Schools: Questions and Answers, September 10, 2002

California Department of Education Publication	Sample Copy of a Memorandum of Understanding
California Department of Education Publication	California School Accounting Manual
<a href="#">California Department of Education Publication</a>	<a href="#">Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020</a>
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District; (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
<a href="#">CSBA Publication</a>	<a href="#">Charter Schools: A Guide for Governance Teams, rev. 2016</a>
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	<del>Charter Schools: A Guide for Governance Teams, rev. June 2021</del>
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, <a href="#">Nonregulatory Guidance</a> , January 2014
Website	National Association of Charter School Authorizers
Website	<a href="https://www.bsis.ca.gov/">California Bureau of Security and Investigative Services(https://www.bsis.ca.gov/)</a>
Website	<a href="#">California Charter Schools Association</a>
Website	<a href="https://post.ca.gov/">California Commission on Peace Officer Standards and Training (https://post.ca.gov/)</a>
Website	<a href="https://www.ctc.ca.gov/">California Commission on Teacher Credentialing (https://www.ctc.ca.gov/)</a>
Website	California Department of Education, Charter Schools
Website	California Department of General Services, Office of Administrative Hearings (https://www.dgs.ca.gov/OAH)
Website	California Department of Pesticide Regulation (https://www.cdpr.ca.gov/)
Website	California Interscholastic Federation (https://www.cifstate.org/)
Website	California Office of the Attorney General (https://oag.ca.gov/)
Website	California Public Employees Retirement System (https://www.calpers.ca.gov/)
Website	California State Controller (https://www.sco.ca.gov/)
Website	California State Teachers Retirement System (https://www.calstrs.com/)

Website	California Student Aid Commission ( <a href="https://www.csac.ca.gov/">https://www.csac.ca.gov/</a> )
Website	CSBA
Website	National Domestic Violence Hotline ( <a href="https://www.thehotline.org/">https://www.thehotline.org/</a> )
Website	National Suicide Prevention Lifeline ( <a href="https://suicidepreventionlifeline.org/">https://suicidepreventionlifeline.org/</a> )
Website	U.S. Department of Agriculture ( <a href="https://www.usda.gov/">https://www.usda.gov/</a> )
Website	U.S. Department of Education

## Cross References

<b>Code</b>	<b>Description</b>
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
<a href="#">0460</a>	<a href="#">Local Control And Accountability Plan (BP and AR)</a>
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E (1)	Uniform Complaint Procedures
1312.3-E (2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

### Policy Reference UPDATE Service

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**Exhibit 0420.41-E(1): Charter School Oversight**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2017 | **Last Revised Date:** 03/06/01/2020 ~~2022~~ | **Last Reviewed Date:** 03/06/01/2020 ~~2022~~

## REQUIREMENTS FOR CHARTER SCHOOLS

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

### Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

### Operations

- ~~2.~~3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

### Operations

- ~~3.~~4. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
- ~~4.~~5. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

### Admission/Enrollment



~~5.6.~~ Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

~~6.7.~~ Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in Student v. Horizon Instructional Systems Charter School, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

~~7.8.~~ Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)

~~1.9.~~ Admit all students who wish to attend the charter school, according to the following criteria and procedures:

a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

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

b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)

~~8.c.~~ Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)

~~9.10.~~ Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its web site the California Department of Education's (CDE) notice of these requirements

and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

~~10.11.~~ 11. Immediately enroll a homeless student, except where such enrollment would conflict with the requirements of Education Code 47605(d)48850-48859 regarding enrollment, identification, and placement of homeless children and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)

~~11.12.~~ 12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

~~12.13.~~ 13. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

### **Nondiscrimination**

~~13.14.~~ 14. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

~~14.15.~~ 15. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

~~15.16.~~ 16. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)

~~16.17.~~ 17. If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

~~17.18.~~ 18. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

~~18.19.~~ 19. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

### **Tuition and Fees**

~~19.20.~~ 20. Not charge tuition (Education Code 47605)

CSBA NOTE:- Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education

Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts.

~~20.~~21. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools

~~21.~~22. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

### School Plans

~~22.~~23. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1)

~~23.~~24. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

~~24.~~25. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)

~~25.~~26. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

### Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

~~26.~~27. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

~~27.~~28. If the charter school offers a kindergarten program, also offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2 (in accordance with Education Code 48000)

~~28.~~29. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

~~29~~30. \_\_\_\_ If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

~~30~~31. \_\_\_\_ If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

32. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)

33. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)

34. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school with the planned date, time, and location of the fair (Labor Code 3074.2)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

~~31~~35. \_\_\_\_ If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may ~~be allowed to~~ offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

36. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

~~32~~37. \_\_\_\_ Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)

~~33~~38. \_\_\_\_ Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

### **Special Education**

~~34~~39. \_\_\_\_ Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

~~35~~40. \_\_\_\_ If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

- a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
- ~~a.~~b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

### **High School Graduation**

- ~~36.~~41. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)
- ~~37.~~42. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

### **Student Expression**

43. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

### **Student Expression**

- ~~38.~~44. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

- ~~39.~~45. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

### **Staffing**

- ~~40.~~46. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)
47. If the charter school offers TK, require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position by August 1, 2023, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)
48. Review potential misassignments and vacant positions in the charter school, including data from CTC, respond to the County Superintendent of Schools when necessary to show that an employee is legally authorized for an assignment, and correct any misassignments if notified by the County Superintendent that an assignment is not legally authorized (Education Code 44258.9)

~~41.49.~~ 41.49. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who ~~will have contact~~ interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has had a valid criminal background check records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

~~42.50.~~ 42.50. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

~~43.51.~~ 43.51. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 ~~regarding the State Teachers' Retirement System~~ (Education Code 47610)

~~44.52.~~ 44.52. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

### **Parent/Guardian Involvement**

53. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

### **Parent/Guardian Involvement**

~~45.54.~~ 45.54. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)

~~46.55.~~ 46.55. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

~~47.56.~~ 47.56. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

### **Nutrition**

~~48.~~ 48. Provide each eligible student with one nutritionally adequate breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal ~~during each school day, except as provided for a charter school that offers nonclassroom-based instruction~~ (Education Code 47613.5)

57. eligibility. If the charter school participates in the National School Lunch Program and/or School Breakfast program, not Program and is a very high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service (Education Code 49501.5, 49564.3)

~~49.58.~~ 49.58. Not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

## Student Health

~~50.~~ If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; not take any action directed at a student to collect unpaid school meal fees; ensure that a student with unpaid school meal fees is not denied a meal of the student's choice, shamed, or treated differently; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)

~~51.~~ If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

## **Student Health**

~~52.~~59. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

~~53.~~60. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)Z

~~54.~~61. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

~~55.~~62. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

~~56.~~63. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

~~57.~~64. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

65. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of cardiopulmonary resuscitation training throughout the duration of the event (Education Code 35179.6)

~~58.~~66. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

~~59.~~67. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

## Student Conduct/Discipline

- ~~60.~~68. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
- ~~61.~~69. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)
- ~~62.~~70. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)
- ~~63.~~71. Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)
- ~~64.~~72. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

## Student and Parent/Guardian Records

- ~~65.~~73. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)
- ~~66.~~74. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
- ~~67.~~75. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
- ~~68.~~76. If the charter school serves high school students, submit to the Student Aid Commission, (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the ~~Student Aid Commission~~ CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)
- ~~69.~~77. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

## Facilities

78. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)



a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

~~70.~~b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

#### **Finance**

79. If the charter school serves students in any of grades 6-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

#### **Finance**

~~71.~~80. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

~~72.~~81. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

~~73.~~82. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

~~74.~~83. Annually prepare and submit financial reports to the ~~district~~ Board and the County Superintendent of Schools in accordance with the following reporting cycle:

- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
- b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

~~75.~~84. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

#### **Accountability**

~~76.85.~~ Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
<del>24 CCR 101</del>	<del>California Building Standards Code</del>
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
<a href="#">Business and Professions Code 7583.45</a>	<a href="#">Training for security officers</a>
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
<a href="#">Ed. Code 1006</a>	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	<del>Approval</del> <a href="#">Field Act; approval</a> of plans and supervision of construction
Ed. Code 17365-17374	<del>Fitness of buildings</del> <a href="#">Field Act; fitness</a> for occupancy; liability of board members
Ed. Code 215	<del>Student suicide</del> <a href="#">Suicide</a> prevention policies
Ed. Code 215.5	Student identification cards; <del>;</del> inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; <del>;</del> notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	School safety plans

Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; <a href="#">swimming pool safety that is not part of interscholastic athletic program</a>
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
<a href="#">Ed. Code 35292.6</a>	<a href="#">Stocking of menstrual products</a>
Ed. Code 35330	Field trips and excursions; student fees
<a href="#">Ed. Code 38001.5</a>	<a href="#">Training for security officers</a>
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	<del>Applicants for employment; fingerprints for purpose of criminal</del> <a href="#">Criminal</a> record summary
<a href="#">Ed. Code 44258.9</a>	<a href="#">Monitoring of teacher assignments</a>
Ed. Code 44691	Information on detection of child abuse; <a href="#">annual training</a>
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	<del>Criminal background checks for contractors; criminal records summary;</del> <a href="#">employees of contracting entity</a>
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
<a href="#">Ed. Code 46390-46393</a>	<a href="#">Emergency average daily attendance</a>
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction

Ed. Code 48850-48859	Education of <del>students in foster care</del> <u>youth</u> and <del>students who are homeless</del> <u>students</u>
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 48913.5	<del>Homework</del> <u>Suspended students; homework</u> assignments for <del>suspended students</del>
Ed. Code 48950	<del>Speech</del> <u>Freedom of speech</u> and other communication
<u>Ed. Code 48985</u>	<u>Notices to parents in language other than English</u>
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Student records; definitions
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging <del>content of</del> <u>student</u> records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; <u>minutes of board meeting</u>
Ed. Code 49076.7	Student records; data privacy; <del>Social Security</del> <u>social security</u> numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	<del>Advertisement</del> <u>Prohibition of advertisement</u> of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
<u>Ed. Code 49501.5</u>	<u>Free breakfast and lunch to all students</u>
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
<u>Ed. Code 49564.3</u>	<u>Provision of federal universal meal service</u>
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
<del>Ed. Code 51224.7</del>	<del>Mathematics placement policy</del>
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
<u>Ed. Code 51225.3</u>	<u>High school graduation requirements</u>

Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
<a href="#">Ed. Code 51225.7-51225.8</a>	<a href="#">Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application</a>
Ed. Code <del>51513</del> <a href="#">51413</a>	Diploma of graduation, without passage of high school exit examination
Ed. Code 51745- <a href="#">51749.6</a>	Independent study
<a href="#">Ed. Code 51925-51929</a>	<a href="#">Mandatory mental health education</a>
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. code 56040.3	<del>Assistive</del> <a href="#">Availability of assistive</a> technology <a href="#">device</a>
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code <del>60600-60649</del> <a href="#">60648.5</a>	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
<a href="#">Lab. Code 3074.2</a>	<a href="#">Notice of college and career fairs</a>
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

**Federal**

**Description**

20 USC 1681-1688	<del>Discrimination</del> <a href="#">Title IX of the Education Amendments of 1972; discrimination</a> based on sex or blindness, Title IX
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.7879	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
<b>Management Resources</b>	<b>Description</b>
<a href="#">Attorney General Opinion</a>	<a href="#">104 Ops.Cal.Atty.Gen. 66 (2021)</a>
Attorney General Opinion	<del>Opinion No. 11-201</del> <a href="#">101 Ops.Cal.Atty.Gen. 92</a> (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	<del>Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017</del>
California Department of Education Publication	<del>Special Education and Charter Schools: Questions and Answers, September 10, 2002</del>
California Department of Education Publication	<del>Sample Copy of a Memorandum of Understanding</del>
California Department of Education Publication	California School Accounting Manual
<a href="#">California Department of Education Publication</a>	<a href="#">Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020</a>
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
<a href="#">CSBA Publication</a>	<a href="#">Charter Schools: A Guide for Governance Teams, rev. 2016</a>
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	<del>Charter Schools: A Guide for Governance Teams, rev. June 2021</del>
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, <a href="#">Nonregulatory Guidance</a> , January 2014
Website	National Association of Charter School Authorizers
Website	<a href="#">California Bureau of Security and Investigative Services(https://www.bsis.ca.gov/)</a>

<a href="#"><u>Website</u></a>	<a href="#"><u>California Charter Schools Association</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Commission on Peace Officer Standards and Training (https://post.ca.gov/)</u></a>
Website	<a href="#"><u>California Commission on Teacher Credentialing (https://www.ctc.ca.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Department of Education, Charter Schools</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Department of General Services, Office of Administrative Hearings (https://www.dgs.ca.gov/OAH)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Department of Pesticide Regulation (https://www.cdpr.ca.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Interscholastic Federation (https://www.cifstate.org/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Office of the Attorney General (https://oag.ca.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California Public Employees Retirement System (https://www.calpers.ca.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California State Controller (https://www.sco.ca.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>California State Teachers Retirement System (https://www.calstrs.com/)</u></a>
Website	<a href="#"><u>California Student Aid Commission (https://www.csac.ca.gov/)</u></a>
Website	<a href="#"><u>CSBA</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>National Domestic Violence Hotline (https://www.thehotline.org/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>National Suicide Prevention Lifeline (https://suicidepreventionlifeline.org/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>U.S. Department of Agriculture (https://www.usda.gov/)</u></a>
<a href="#"><u>Website</u></a>	<a href="#"><u>U.S. Department of Education</u></a>

## Cross References

<b>Code</b>	<b>Description</b>
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
<a href="#"><u>0460</u></a>	<a href="#"><u>Local Control And Accountability Plan (BP and AR)</u></a>
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures

1312.3-E-PDF(1)	Uniform Complaint Procedures
1312.3-E-PDF(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities



**Exhibit 1113-E(1): District And School Web Sites**

**Status: ADOPTED**

**Original Adopted Date:** 10/01/2020 | **Last Revised Date:** 06/01/2022 | **Last Reviewed Date:** 10/06/01/2020202

**MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE**

CSBA NOTE: The following exhibit lists material which the law explicitly requires be posted on district or school web sites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may recommended throughout CSBA's sample policy manual but are not required by law.

**Materials to Prominently Display**

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.
2. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
3. The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
4. 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 (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.

6. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
8. 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 (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
- ~~8.~~9. [Posters published by the California Department of Fair Employment and Housing \(DFEH\) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "Transgender Rights in the Workplace," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" \(Government Code 12950\). See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.](#)
- ~~9.~~10. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

## Other Postings

The following materials are also required to be posted on the district web site. However, there are no specific requirements related to where they are posted on the web site.

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.
2. The district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR

4030 - Nondiscrimination in Employment.

- ~~3.~~ Training materials used to train the Title IX Coordinator, investigator(s), ~~decision-maker~~decisionmaker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
- ~~3.4.~~Contact information for the district's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6). See AR 6173 - Education for Homeless Children.
- ~~4.5.~~For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.
- ~~5.6.~~If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an ~~existing~~existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
- ~~6.7.~~If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.
- ~~7.8.~~For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.
- ~~8.9.~~The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
- ~~9.10.~~ \_\_\_\_\_ The district's meal payment collection policy and procedures (~~CDE Nutrition Services Division Management Bulletin SNP-03-2017~~).U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.

~~10.~~11. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement 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 (~~U.S. Department of Agriculture's~~USDA FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

~~11.~~12. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.

13. When the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2).

~~12.~~14. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.

~~13.~~15. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.

~~14.~~16. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Bus. Code 22580-22582

**Description**

Privacy Rights for California Minors in the Digital World

Bus. Code 22584-22585	Student Online Personal Information Protection Act
Bus. Code 22586-22587	Early Learning Personal Information Protection Act
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
<a href="#">Ed. Code 48852.6</a>	<a href="#">Information regarding homelessness</a>
Ed. Code 48907	Exercise of free expression; <a href="#">time, place and manner</a> rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	<del>Student records; definitions</del> <a href="#">Definitions, directory information</a>
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	<del>Discrimination</del> <a href="#">Nondiscrimination; accessibility to state web sites</a>
<a href="#">Gov. Code 12950</a>	<a href="#">California Department of Fair Employment and Housing posters</a>
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 6254.21	Publishing addresses and telephone numbers of officials
Gov. Code 6254.24	Definition of public safety official
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
<a href="#">Public Resources Code 21082.1</a>	<a href="#">California Environmental Quality Act environmental review documents</a>
<a href="#">Public Resources Code 21092</a>	<a href="#">California Environmental Quality Act environmental review documents</a>
<a href="#">Public Resources Code 21092.2</a>	<a href="#">California Environmental Quality Act environmental review documents</a>
<b>Federal</b>	<b>Description</b>
16 CFR 312.1-312.12	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504

34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	<del>Equal opportunity for individuals with disabilities</del> <b>Americans with Disabilities Act</b>
<b>Management Resources</b>	<b>Description</b>
<a href="#">CA Department of Fair Employment and Housing Publication</a>	<a href="#">California Law Prohibits Workplace Discrimination and Harassment</a>
<a href="#">CA Department of Fair Employment and Housing Publication</a>	<a href="#">Family Care and Medical Leave and Pregnancy Disability Leave</a>
<a href="#">CA Department of Fair Employment and Housing Publication</a>	<a href="#">Transgender Rights in the Workplace</a>
<a href="#">CA Department of Fair Employment and Housing Publication</a>	<a href="#">Your Rights and Obligations as a Pregnant Employee</a>
Court Decision	Aaris v. Las Virgenes Unified School District; (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court; (2017) 2 Cal.5th 608
<a href="#">U.S. Department of Agriculture Publication</a>	<a href="#">Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016</a>
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office For Civil Rights Publication	Dear Colleague Letter, May 26, 2011
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
Website	California Department of Education, Web Accessibility Standards
<a href="#">Website</a>	<a href="#">California Department of Fair Employment and Housing</a>
Website	California School Public Relations Association
Website	U.S. Department of Justice, Civil Rights Division, <a href="#">Disability Rights Section</a>
<a href="#">Website</a>	<a href="#">Governor's Office of Planning and Research, The California Environmental Quality Act (https://opr.ca.gov/ceqa/)</a>
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

## Cross References

<b>Code</b>	<b>Description</b>
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E-(1)	Uniform Complaint Procedures
1312.3-E-(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan

3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E-(1)	Employee Use Of Technology
<del>4119.12</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>4119.12-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
4119.21	Professional Standards
4119.21-E-(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
<del>4219.12</del> <a href="#">4161.8</a>	<del>Title IX Sexual Harassment Complaint Procedures</del> <a href="#">Family Care and Medical Leave (AR)</a>
<del>4219.12-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
4219.21	Professional Standards
4219.21-E-PDF(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication or Creation of Materials
<del>4319.12</del> <a href="#">4261.8</a>	<del>Title IX Sexual Harassment Complaint Procedures</del> <a href="#">Family Care and Medical Leave (AR)</a>
<del>4319.12-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
4319.21	Professional Standards
4319.21-E-PDF(1)	Professional Standards



4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication or Creation of Materials
<u>4361.8</u>	<u>Family Care and Medical Leave (AR)</u>
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E (1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
<del>5142.2</del>	<del>Safe Routes To School Program</del>
<del>5142.2</del>	<del>Safe Routes To School Program</del>
<del>5145.3</del>	<del>Nondiscrimination/Harassment</del>
<del>5145.3</del>	<del>Nondiscrimination/Harassment</del>
<del>5145.7</del>	<del>Sexual Harassment</del>
<del>5145.7</del>	<del>Sexual Harassment</del>
<del>5145.71</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>5145.71-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>5145.9</del>	<del>Hate-Motivated Behavior</del>
6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E-(1)	Student Use Of Technology
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E-(1)	Education For Homeless Children
6173-E-(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
<u>9012</u>	<u>Board Member Electronic Communications (BB)</u>
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

**Regulation 1312.4: Williams Uniform Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2010 | **Last Revised Date:** 05/06/01/2020 ~~2022~~ | **Last Reviewed Date:** 05/06/01/2020 ~~2022~~

CSBA NOTE: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670. For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP 3555 - Nutrition Program Compliance.

### **Types of Complaints**

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
  - a. A semester begins and a teacher vacancy exists.
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

CSBA NOTE: 5 CCR 4600, as amended by Register 2020, No. 21, revises the definition of "beginning of the year or semester" as provided below

*Beginning of the year or semester* means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after time period from the first day students attend classes for that semester. (5 CCR 4600) a year-long course or semester-long course though not later than 20 business days afterwards.

*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

1.3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

*Clean or maintained school restroom* means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

*Open restroom* means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

CSBA NOTE: The following optional paragraph is for use by districts that maintain any of grades 6-12, and may be revised to reflect the grade levels served by the district.

Pursuant to Education Code 35292.6 requires, as added by AB 367 (Ch. 664, Statutes of 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 and meets a 40 percent student poverty threshold, as defined in 20 USC 6314, is required to stock at least 50 percent of the

school's restrooms with feminine hygiene menstrual products for use in connection with the menstrual cycle; and to not free of charge students for such products. See AR 3517 - Facilities Inspection.

Although Education Code 35292.6 does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code 35292.6 in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half stock and make available and accessible free of cost, an adequate supply of the restrooms in the school with feminine hygiene menstrual products and to not charge students for the use of such products. in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

### Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Education Code 35186 requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186. (Education Code 35186)

### Filing of Complaint

CSBA NOTE: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, CDE the California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

### Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall ~~report the~~ **send written** resolution of the complaint to the **mailing address of the** complainant **as indicated on the complaint** within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

CSBA NOTE: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in ~~item~~ **Item #3a** in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

## Reports

CSBA NOTE: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled ~~public~~ Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

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### Policy Reference Disclaimer:

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### State

5 CCR 4600-4670

5 CCR 4680-4687

### Description

Uniform complaint procedures

Williams uniform complaint procedures

Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17592.72	Urgent or emergency repairs; <sup>2</sup> School Facility Emergency Repair Account
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedure <a href="#">procedures</a>
Ed. Code 35292.5-35292.6	Restrooms; <sup>2</sup> maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

### **Federal**

20 USC 6314

### **Description**

Title I schoolwide program

### **Management Resources**

Website

### **Description**

State Allocation Board, Office of Public School Construction

Website

California Department of Education, Williams Case

Website

California County Superintendents Educational Services Association

Website

CSBA

### **Cross References**

#### **Code**

0460

#### **Description**

Local Control And Accountability Plan

0460

Local Control And Accountability Plan

1100

Communication With The Public

1250

Visitors/Outsiders

1250

Visitors/Outsiders

1312.2

Complaints Concerning Instructional Materials

1312.2

Complaints Concerning Instructional Materials

1312.2-E PDF(1)

Complaints Concerning Instructional Materials

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3-E PDF(1)

Uniform Complaint Procedures

1312.3-E PDF(2)

Uniform Complaint Procedures

1340

Access To District Records

1340

Access To District Records

3270

Sale And Disposal Of Books, Equipment And Supplies

3270

Sale And Disposal Of Books, Equipment And Supplies

3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3517	Facilities Inspection
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
4112.2	Certification
4112.2	Certification
4112.22	Staff Teaching English Learners
4113	Assignment
4113	Assignment
4144	Complaints
4144	Complaints
4244	Complaints
4244	Complaints
4344	Complaints
4344	Complaints
6142.92	Mathematics Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
9000	Role Of The Board
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

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**Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2010 | **Last Revised Date:** 03/06/01/2019/2022 | **Last Reviewed Date:** 03/06/01/2019/2022

CSBA NOTE: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below.

**K-12 COMPLAINT FORM:  
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? \_\_\_ Yes \_\_\_ - No

Contact information: (if response is requested)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

Location of the problem that is the subject of this complaint:

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

**Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.**

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
  - A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each

student.

- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

- A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

CSBA NOTE: The following optional item is for districts that choose to use the ~~William~~Williams uniform complaint procedures to address complaints alleging noncompliance with requirements to stock restrooms at certain schools with ~~feminine hygiene~~menstrual products pursuant to Education Code 35292.6; see the accompanying administrative regulation.

- For a school ~~that serves students in~~servicing any of grades 6-12 with ~~40 percent of more of its students from low-income families, as defined,~~ the school has not stocked at least half of its restrooms with feminine products, at all times, stocked and made those products available to students at no ~~and accessible free of~~ cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.
- The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

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CSBA NOTE: Education Code 35186 requires that complaints be filed with the principal or designee and that the complaint form specify the location for filing the complaint. Districts should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

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(principal or designee)

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(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

-----  
(Signature)

-----  
(Date)

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**State**

5 CCR 4600-4670

5 CCR 4680-4687

Ed. Code 1240

Ed. Code 17592.72

Ed. Code 234.1

Ed. Code 33126

Ed. Code 35186

Ed. Code 35292.5-35292.6

Ed. Code 48985

Ed. Code 60119

**Description**

Uniform complaint procedures

Williams uniform complaint procedures

County superintendent of schools, duties

Urgent or emergency repairs; School Facility Emergency Repair Account

Student protections relating to discrimination, harassment, intimidation, and bullying

School accountability report card

Williams uniform complaint procedure

Restrooms; maintenance and cleanliness

Notices to parents in language other than English

Hearing on sufficiency of instructional materials

**Federal**  
20 USC 6314

**Management Resources**

Website

Website

Website

Website

**Description**

Title I schoolwide program

**Description**

State Allocation Board, Office of Public School Construction

California Department of Education, Williams Case

California County Superintendents Educational Services Association

CSBA

**Cross References**

**Code**

0460

**Description**

Local Control And Accountability Plan

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1250

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1312.2

Complaints Concerning Instructional Materials

1312.2

Complaints Concerning Instructional Materials

1312.2-E PDF(1)

Complaints Concerning Instructional Materials

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3-E PDF(1)

Uniform Complaint Procedures

1312.3-E PDF(2)

Uniform Complaint Procedures

1340

Access To District Records

1340

Access To District Records

3270

Sale And Disposal Of Books, Equipment And Supplies

3270

Sale And Disposal Of Books, Equipment And Supplies

3514

Environmental Safety

3514

Environmental Safety

3514.2

Integrated Pest Management

3517

Facilities Inspection

3550

Food Service/Child Nutrition Program

3550

Food Service/Child Nutrition Program

4112.2

Certification

4112.2

Certification

4112.22

Staff Teaching English Learners

4113

Assignment

4113	Assignment
4144	Complaints
4144	Complaints
4244	Complaints
4244	Complaints
4344	Complaints
4344	Complaints
6142.92	Mathematics Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
9000	Role Of The Board
9012	<del>Board Member Electronic Communications</del> <u>Board Member Electronic Communications</u>
9200	<del>Limits Of Board Member Authority</del> <u>Limits Of Board Member Authority</u>
9322	<del>Agenda/Meeting Materials</del> <u>Agenda/Meeting Materials</u>

**Policy 3110: Transfer Of Funds**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2009 | **Last Revised Date:** 03/06/01/2021/2022 | **Last Reviewed Date:** 03/06/01/2021/2022

CSBA NOTE: Education Code 41010 and 42600 require districts to expend funds in accordance with the classification of expenditures included in their adopted budget and in the "California School Accounting Manual." However, in certain limited circumstances, the Governing Board may approve interfund borrowing or the transfer of money between funds. The following policy may be revised to reflect district practice.

The Governing Board recognizes its responsibility to monitor the district's fiscal practices to ensure accountability regarding the expenditure of public funds and compliance with legal requirements.

The total amount budgeted by the district for each major classification of expenditures, as listed in the California Department of Education's budget forms, shall be the maximum amount which the district may expend for that classification for the school year. (Education Code 42600)

However, when it is in the best interest of the district, the Board may:

1. 1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the County Auditor. (Education Code 42600)
2. 2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603) \_\_\_\_\_

~~CSBA NOTE: Education Code 42603.1, as added by SB 98 (Ch. 23, Statutes of 2020), adds the following authorization for the temporary transfer of funds for the 2020-21 and 2021-22 fiscal years, if the state defers any payments owed to districts.~~ CSBA NOTE: Pursuant to Education Code 42601, the district, with the approval of the Board, may identify and request that the County Superintendent of Schools make transfers at the close of a school year in order to permit the payment of district obligations incurred during that school year, as provided in item #3 below. For elementary school districts with average daily attendance (ADA) of 900 or less, high school districts with ADA of 300 or less, or unified districts with ADA of 1,500 or less, the County Superintendent may identify and make the transfers, with the consent of the Board.

- ~~3. For the 2020-21 and 2021-22 fiscal years only, if the state defers any payments owed to districts, the Board may direct the temporary transfer of up to 85 percent of the maximum amount held in any fund or account during the current fiscal year for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. Prior to exercising this authority, the Board shall hold a public hearing and adopt a resolution authorizing such transfer. (Education Code 42603.1)~~

CSBA NOTE: Pursuant to Education Code 42601, the district, with the approval of the Governing Board, may identify and request that the County Superintendent of Schools make transfers at the close of a school year in order to permit the payment of district obligations incurred during that school year, as provided in item #3 below. For elementary school districts with average daily attendance (ADA) of 900 or less, high school districts with ADA of 300 or less, or unified districts with ADA of 1,500 or less, the County Superintendent may identify and make the transfers, with the consent of the Board.

4. 3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
  
5. 4. If any special reserve funds that are maintained for capital outlay or other purposes pursuant to Education Code 42842 are not actually encumbered for ongoing expenses, transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may submit a written request to the County Superintendent, Auditor, and Treasurer to discontinue the special reserve fund and transfer those monies to the district's general fund. (Education Code 42841-42843)
  
6. 5. Transfer monies between other funds or accounts when authorized by law.

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<b>State</b>	<b>Description</b>
Ed. Code 16095	Transfer of district funds to district state school building fund
<del>Ed. Code 41010</del>	<del>California School Accounting Manual</del>
Ed. Code 41301	Section A state school fund allocation schedule
Ed. Code 42125	Designated and unappropriated fund balances
Ed. Code 42238-42251	Apportionments to districts
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42600	District budget limitation on expenditure
Ed. Code 42601	Transfers between funds to permit payment of obligations at close of year
Ed. Code 42603	<del>Temporary transfer</del> <b>Transfer</b> of monies held in any fund or account to another fund; repayment
<del>Ed. Code 42603.1</del>	<del>Temporary transfer of monies held in any fund or account to another fund; state deferrals; fiscal years 2020-21 and 2021-22</del>
Ed. Code 42840-42843	Special reserve fund
Ed. Code 5200	Districts governed by boards of education

Ed. Code 52616.4

Expenditures from adult education fund

Ed. Code 78

Definition, governing board

**Management Resources**

**Description**

California [CA](#) Department of Education  
Publication

California School Accounting Manual, [2019](#)

Website

California Department of Education

Website

CSBA

Website

Fiscal Crisis and Management Assistance Team

**Cross References**

**Code**

**Description**

0460

Local Control And Accountability Plan

0460

Local Control And Accountability Plan

3000

Concepts And Roles

3100

Budget

3100

Budget

3300

Expenditures And Purchases

3350

Travel Expenses

3400

Management Of District Assets/Accounts

3400

Management Of District Assets/Accounts

3460

Financial Reports And Accountability

3460

Financial Reports And Accountability

3470

Debt Issuance And Management

3551

Food Service Operations/Cafeteria Fund

3551

Food Service Operations/Cafeteria Fund

~~9323.2~~

~~Actions By The Board~~

~~9323.2-E PDF(1)~~

~~Actions By The Board~~

~~9323.2-E PDF(2)~~

~~Actions By The Board~~



**Regulation 3517: Facilities Inspection**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2006 | **Last Revised Date:** ~~12/06/01/2017~~-2022 | **Last Reviewed Date:** 12/06/01/2017-2022

CSBA NOTE: As part of the Williams litigation settlement, Education Code 17070.75 requires that each school district participating in the state's School Facility Program have a facility inspection system in place for all schools to ensure that school facilities are kept in good repair. Education Code 17002 defines "good repair" to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to the Facility Inspection Tool (FIT) developed by the Office of Public School Construction (OPSC) or a local evaluation instrument that uses the same criteria.

The Superintendent or designee shall inspect school facilities to ensure that they are maintained in good repair. At a minimum, ~~he/she~~ the Superintendent or designee shall assess those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including, but not limited to, the following: (Education Code 17002, 35292.5)

1. Gas Leaks: Gas systems and pipes appear and smell safe, functional, and free of leaks.
2. Mechanical Systems: Heating, ventilation, and air conditioning systems, as applicable, are functional and unobstructed; appear to supply an adequate amount of air to all classrooms, work spaces, and facilities; and maintain interior temperatures within normally acceptable ranges.
3. Windows and Doors: Windows and doors are intact, functional, and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
4. Fences and Gates: Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to students, staff, or others. Locks and other security hardware function as designed.
5. Interior Surfaces (walls, floors, ceilings): Interior surfaces are free of safety hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.
6. Hazardous Materials: Hazardous and flammable materials are stored properly. No evidence of peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or asbestos exposure are evident. There does not appear to be evidence of hazardous materials that may pose a threat to the health and safety of students or staff.
7. Structures: Posts, beams, supports for portable classrooms and ramps, and other structures appear intact, secure, and functional as designed. Ceilings and floors are not sloping or sagging beyond their intended design. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines structural components.
8. Fire Safety and Emergency Equipment: Fire sprinklers, fire extinguishers, emergency alarm systems, and all emergency equipment and systems appear to be functioning properly. Fire alarm pull stations are clearly visible. Fire extinguishers are current and placed in all required areas, including every classroom and assembly area. Emergency exits are clearly marked and unobstructed.
9. Electrical Systems: Electrical systems, components, and equipment, including switches, junction boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly covered and guarded from student access, and appear to be working properly.

10. Lighting: Interior and exterior lighting appears to be adequate and working properly. Lights do not flicker, dim, or malfunction, and there is no unusual hum or noise from light fixtures.
11. Pest/Vermin Infestation: No visible or odorous indicators of pest or vermin infestation are evident.
12. Drinking Fountains: Interior and exterior drinking fountains are functional, accessible, and free of leaks. Drinking water pressure is adequate. Fountain water is clear and without unusual taste or odor, and moss, mold, or excessive staining is not evident.
13. Restrooms: Restrooms are fully operational, maintained and cleaned regularly, and stocked at all times with supplies (including toilet paper, soap, and paper towels or functional hand dryers) in accordance with Education Code 35292.5. The school keeps all restrooms open during school hours when students are not in classes and keeps a sufficient number of restrooms open during school hours when students are in classes, except when necessary to temporarily close a restroom for student safety or to repair the facility.

CSBA NOTE: ~~Although not reflected on the FIT,~~ The following paragraph should be revised to reflect the grade levels served by the district. Pursuant to Education Code 35292.6, as added by AB 10367 (Ch. 687664, Statutes of 2017), requires 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 and meets a 40-percent student poverty threshold, as defined in 20 USC 6314, is required to stock 50-percent of the school's restrooms with feminine hygiene free menstrual products for use in connection with the menstrual cycle, and ~~to not charge students~~ post a notice as described below. See the accompanying exhibit for such products. ~~The following paragraph may be revised to reflect the grade levels served by the district.~~ a sample notice.

- ~~14.~~ 14. In addition, in any school serving any of grades 6-12 in which 40-percent or more of the students in the school or school attendance area are from low-income families shall, at least 50-percent all times, stock and make available and accessible free of cost, an adequate supply of the school's restrooms are stocked with feminine hygiene menstrual products; in every women's and all-gender restroom, and in at least one men's restroom. The district shall post in a prominent and conspicuous location a notice regarding this requirement that includes an email address and telephone number for which students are not charged. a designated individual responsible for maintaining the requisite supply of menstrual products. (Education Code 35292.6; 20 USC 6314) -)
- ~~15.~~ 14. Sewers: The sanitary sewer system controls odors as designed, displays no signs of stoppage, backup, or flooding in school facilities or on school grounds, and appears to be functioning properly.
- ~~16.~~ 15. Roofs: Roofs, gutters, roof drains, and downspouts appear to be functioning properly and are free of visible damage and evidence of disrepair when observed from the ground from inside and outside the building
- ~~17.~~ 16. Drainage: School grounds do not exhibit signs of drainage problems, such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets.
- ~~18.~~ 17. Playground/School Grounds: Playground equipment (exterior fixtures, seating, tables, and equipment), school grounds, fields, walkways, and parking lot surfaces are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.
- ~~19.~~ 18. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly and are free of accumulated refuse and unabated graffiti. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.

CSBA NOTE: Although the FIT does not specifically require districts to test for the presence of lead in drinking water, soil, and/or painted surfaces, such testing is recommended by the U.S. Environmental Protection Agency due to the health risks posed by lead exposure, especially for young children. Schools and child care facilities that maintain their own public water systems must test for lead pursuant to the Safe Drinking Water Act (42 USC 300f-300j-27). ~~In addition, Health and Safety Code 116277, as amended by AB 746 (Ch. 746, Statutes of 2017), requires a community water system that serves a school with a building constructed before January 1, 2010 to test for lead in the drinking water system before January 1, 2019. If the school's lead level exceeds specified levels, the district must notify the parents/guardians of students at that school and take immediate steps to shut down all fountains and faucets where excess lead levels may exist. See AR 3514 - Environmental Safety for further information about lead testing and abatement in schools.~~

In addition, to ensure the health and safety of students, the Superintendent or designee shall provide for the testing of drinking water on campus and of the soil and painted surfaces of school facilities for the presence of lead and/or other harmful substances, in accordance with state and federal standards.

The Superintendent or designee shall ensure that any necessary repairs or removal of hazards identified during the inspection are made in a timely and expeditious manner.

An assessment of the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as defined in Education Code 17002, shall be reported on the school accountability report card. (Education Code 33126)

CSBA NOTE: Education Code 35186 provides that the Williams uniform complaint procedures should be used for any complaint alleging a school facility condition that poses an emergency or urgent threat, as defined in Education Code 17592.72, or any complaint that a school restroom is not clean, maintained, or kept open, as defined in Education Code 35292.5. See ~~E-/AR 1312.4 - Williams Uniform Complaint Procedures.~~

Any complaint alleging a school facility condition that poses an emergency or urgent threat to the health or safety of students or staff, or alleging that a school restroom is not clean, maintained, stocked, or kept open, shall be addressed in accordance with AR 1312.4 - Williams Uniform Complaint Procedures.

CSBA NOTE: Education Code 1240 requires the County Superintendent of Schools to visit low-performing schools to determine (1) the status of any facility condition that may create an emergency or urgent threat to the health or safety of students or staff and (2) the accuracy of data reported on the school accountability report card with respect to the safety, cleanliness, and adequacy of school facilities. Education Code 1240 requires that the County Superintendent provide a quarterly report to the Governing Board on the results of any county office of education (COE) visit. Education Code 1240 provides that, if the County Superintendent determines that a facility condition poses an emergency or urgent threat, ~~he/she~~ the County Superintendent may return to the school to verify repairs and/or prepare a report that identifies areas of noncompliance if the district has not provided evidence that the repairs will be made within 30 days or, for major repairs, in a timely manner. The County Superintendent may then present the report to the Board at a public meeting and post the report on the ~~county office's~~ COE's web site.

The Superintendent or designee shall provide the Governing Board with regular reports regarding the district's facility ~~inspection program~~ inspections and updates of any visits to district schools by the County Superintendent of Schools to review school facilities.

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
2 CCR 1859.300-1859.330	Emergency Repair Program
Ed. Code 1240	County superintendent of schools; <del>i</del> duties
Ed. Code 17002	State School Building Lease-Purchase Law, <del>including</del> ; definition of good repair
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998
Ed. Code 17565-17591	Property maintenance and control
Ed. Code 17592.72	Urgent or emergency repairs; <del>i</del> School Facility Emergency Repair Account
Ed. Code 33126	School accountability report card
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 35292.5-35292.6	Restrooms, maintenance and cleanliness
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
<b>Federal</b>	<b>Description</b>
20 USC 6314	Schoolwide programs
42 USC 300f-300j-27	Safe Drinking Water Act
<b>Management Resources</b>	<b>Description</b>
State Allocation Board, Office Of Public School <del>Co</del> <u>Construction</u>	Facility Inspection Tool: School Facility Conditions Evaluation
Website	California County Superintendents Educational Services Association
Website	California Department of Education, Williams Case
Website	State Allocation Board, Office of Public School Construction
Website	Coalition for Adequate School Housing
Website	CSBA

**Cross References**

<b>Code</b>	<b>Description</b>
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
1312.4	Williams Uniform Complaint Procedures
1312.4-E <u>PDF</u> (1)	Williams Uniform Complaint Procedures
1312.4-E <u>PDF</u> (2)	Williams Uniform Complaint Procedures
1330.1	Joint Use Agreements

3000	Concepts And Roles
3311	Bids
3311	Bids
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
6117	Year-Round Schedules
7110	Facilities Master Plan
7111	Evaluating Existing Buildings
9000	Role Of The Board

**Exhibit 3517-E(1): Facilities Inspection**

**Status: ADOPTED**

**Original Adopted Date: 06/01/2022 | Last Reviewed Date: 06/01/2022**

CSBA NOTE: Education Code 35292.6 requires that the following notice be posted in a prominent and conspicuous location in each restroom where menstrual products are stocked.

**NOTICE REGARDING MENSTRUAL PRODUCTS**

Education Code 35292.6 requires that:

- a. On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom.
- b. A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.
- c. A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.
- d. For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.
- e. This section shall become operative on July 1, 2022.

The name and contact information for the individual responsible for maintaining the requisite supply of menstrual products is:

Lead School Nurse  
(707) 374-6336  
apatin@rdusd.org

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**State**[2 CCR 1859.300-1859.330](#)[Ed. Code 1240](#)[Ed. Code 17002](#)[Ed. Code 17070.10-17077.10](#)[Ed. Code 17565-17591](#)[Ed. Code 17592.72](#)[Ed. Code 33126](#)[Ed. Code 35186](#)[Ed. Code 35292.5-35292.6](#)[H&S Code 116277](#)**Federal**[20 USC 6314](#)[42 USC 300f-300j-27](#)**Management Resources**[State Allocation Board, Office Of Public School Co](#)[Website](#)[Website](#)[Website](#)[Website](#)[Website](#)**Description**[Emergency Repair Program](#)[County superintendent of schools, duties](#)[State School Building Lease-Purchase Law, including definition of good repair](#)[Leroy F. Greene School Facilities Act of 1998](#)[Property maintenance and control](#)[Urgent or emergency repairs, School Facility Emergency Repair Account](#)[School accountability report card](#)[Complaints regarding teacher vacancy or misassignment](#)[Restrooms, maintenance and cleanliness](#)[Lead testing of potable water at schools and requirements to remedy](#)**Description**[Schoolwide programs](#)[Safe Drinking Water Act](#)**Description**[Facility Inspection Tool: School Facility Conditions Evaluation](#)[California County Superintendents Educational Services Association](#)[California Department of Education, Williams Case](#)[State Allocation Board, Office of Public School Construction](#)[Coalition for Adequate School Housing](#)[CSBA](#)**Cross References****Code**[1312.4-E\(1\)](#)[1312.4-E\(2\)](#)**Description**[Williams Uniform Complaint Procedures](#)[Williams Uniform Complaint Procedures](#)

**Policy 3523: Electronic Signatures**

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 |

CSBA NOTE: The following optional board policy may be revised to reflect district practice. Pursuant to Government Code 16.5, public entities, including districts, are permitted to use digital signatures in their communications and operations. A digital signature is a type of electronic signature, as defined in Civil Code 1633.1. Any such digital or electronic signature has the same force and effect as a manual signature, provided the signature is created using acceptable technology and includes attributes specified in 2 CCR 22000-22005, as described in the accompanying administrative regulation. In addition, Civil Code 1633.1-1633.17 (Uniform Electronic Transactions Act) and 15 USC 7001-7006 (Electronic Records and Signatures in Commerce Act) provide a framework for ensuring the validity of electronic contracts and security of electronic signatures in commerce and governmental transactions.

The Governing Board believes that the use of electronic records and signatures is a convenient paperless option that can increase efficiency in commercial and administrative transactions, reduce costs, and contribute to environmental sustainability in district operations. The Board authorizes the use of electronic signatures in district operations when authorized by law.

The Superintendent or designee shall ensure that any electronic signature utilized by the district conforms with criteria described in law and that the level of security is sufficient for the transaction being conducted. (Government Code 16.5; 2 CCR 22003, 22005)

The Superintendent or designee shall retain electronic records in accordance with law and regulations, and as specified in BP/AR 3580 - District Records.

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<b>State</b>	<b>Description</b>
<u>2 CCR 22000-22005</u>	<u>Public entity use of electronic signatures</u>
<u>5 CCR 16020-16022</u>	<u>Records, general provisions</u>
<u>5 CCR 16023-16027</u>	<u>District records, retention and destruction</u>
<u>5 CCR 430</u>	<u>Individual student records; definition</u>
<u>5 CCR 432</u>	<u>Student records</u>
<u>Civil Code 1633.1-1633.17</u>	<u>Uniform Electronic Transactions Act</u>
<u>Civil Code 1798.29</u>	<u>District records; breach of security</u>
<u>Education Code 35252-35255</u>	<u>Records and reports</u>
<u>Education Code 44031</u>	<u>Personnel file contents and inspection</u>
<u>Education Code 49060-49079.7</u>	<u>Student records</u>
<u>Education Code 8234</u>	<u>Electronic signatures; child care and development programs</u>



[Government Code 16.5](#)

[Government Code 6252-6265](#)

[Government Code 811.2](#)

**Federal**

[15 USC 7001-7006](#)

[20 USC 1232g](#)

[20 USC 1400-1482](#)

[34 CFR 99.1-99.8](#)

[34 CFR 300-300.818](#)

**Management Resources**

[California Department of Education Publications](#)

[Electronic signatures](#)

[Inspection of public records](#)

[Definition of public entity](#)

**Description**

[Electronic Records and Signatures in Commerce Act](#)

[Family Educational Rights and Privacy Act of 1974](#)

[Individuals with Disabilities Education Act](#)

[Family Educational Rights and Privacy Act](#)

[Assistance to states for the education of students with disabilities](#)

**Description**

[Management Bulletin 17-13, October 2017](#)

**Cross References**

**Code**

[3510](#)

[3580](#)

[3580](#)

[5148](#)

[5148](#)

[5148.3](#)

[5148.3](#)

[6159.1](#)

[6159.1](#)

**Description**

[Green School Operations \(BP\)](#)

[District Records \(BP\)](#)

[District Records \(AR\)](#)

[Child Care and Development \(BP\)](#)

[Child Care and Development \(AR\)](#)

[Preschool/Early Childhood Education \(BP\)](#)

[Preschool/Early Childhood Education \(AR\)](#)

[Procedural Safeguards and Complaints for Special Education \(BP\)](#)

[Procedural Safeguards and Complaints for Special Education \(AR\)](#)

**Regulation 3523: Electronic Signatures**

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 |

CSBA NOTE: The following optional administrative regulation may be revised to reflect district practice. Pursuant to Government Code 16.5, public entities, including districts, are permitted to use digital signatures in their communications and operations. A digital signature is a type of electronic signature, as defined in Civil Code 1633.1. Any such digital or electronic signature has the same force and effect as a manual signature, provided the signature is created using an acceptable technology and includes attributes specified in 2 CCR 22000-22005, as described below. In addition, Civil Code 1633.1-1633.17 (Uniform Electronic Transactions Act) and 15 USC 7001-7006 (Electronic Records and Signatures in Commerce Act) provide a framework for ensuring the validity of electronic contracts and security of electronic signatures in commerce and governmental transactions.

In addition to the general authorization for use of electronic signatures as described above, an electronic signature may be used in specific instances. For example, an electronic signature may be used to fulfill the requirement for parental consent under the Individuals with Disabilities Education Act (20 USC 1400-1482). See comments to 71 Fed. Reg. 156 which provides that electronic signatures are permitted as long as the necessary steps are taken to ensure that there are appropriate safeguards to protect the integrity of the process. Also see the criteria for electronic signatures listed in Items #1-5 below and AR 6159.1 - Procedural Safeguards and Complaints for Special Education. Electronic signatures may also be used when families apply for child care and development services. See the California Department of Education's Management Bulletin 17-13.

When authorized by law, electronic signatures may be used in the operation of district business and/or administration.

In any business transaction, an electronic signature shall only be used when each party has agreed to conduct the transaction by electronic means. In other district operations, the Superintendent or designee may require the use of an electronic signature. (Civil Code 1633.5; 15 USC 7001)

CSBA NOTE: Pursuant to Civil Code 1633.2 and Government Code 16.5, a digital signature is a type of electronic signature. Aside from the definitions below, "electronic signature" will be used throughout this regulation to indicate all types of electronic signatures, including digital signatures.

A digital signature is defined as an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. (Government Code 16.5)

An electronic signature consists of an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. (Civil Code 1633.2)

In order for an electronic signature to be used, the electronic signature shall be: (Government Code 16.5; 2 CCR 22002)

1. Unique to the person using it
2. Capable of verification
3. Under the sole control of the person using it
4. Linked to data in such a manner that if the data are changed the electronic signature is invalidated
5. Conform to 2 CCR 22000-22005

Prior to accepting an electronic signature, the Superintendent or designee shall ensure the following: (2 CCR 22005)

1. That the signature is created by acceptable technology pursuant to 2 CCR 22003
2. That the level of security used to identify the signer of the document and to transmit the signature is sufficient for the transaction being conducted
3. That, if a certificate is a required component of the electronic signature, the certificate format used by the signer is sufficient for the security and interoperability needs of the district.

If a notarized signature is required with respect to an electronic signature, the electronic signature of the notary public together with all of the other information required by law to be included in a notarization shall accompany the electronic signature. (Civil Code 1633.11)

If a statement is required to be signed under penalty of perjury, the electronic signature shall include all of the information to which the declaration pertains together with a declaration under penalty of perjury by the person who submits the electronic signature that the information is true and correct. (Civil Code 1633.11)

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<b><u>State</u></b>	<b><u>Description</u></b>
<u>2 CCR 22000-22005</u>	<u>Public entity use of electronic signatures</u>
<u>5 CCR 16020-16022</u>	<u>Records, general provisions</u>
<u>5 CCR 16023-16027</u>	<u>District records, retention and destruction</u>
<u>5 CCR 430</u>	<u>Individual student records; definition</u>
<u>5 CCR 432</u>	<u>Student records</u>
<u>Civil Code 1633.1-1633.17</u>	<u>Uniform Electronic Transactions Act</u>
<u>Civil Code 1798.29</u>	<u>District records; breach of security</u>
<u>Education Code 35252-35255</u>	<u>Records and reports</u>
<u>Education Code 44031</u>	<u>Personnel file contents and inspection</u>
<u>Education Code 49060-49079.7</u>	<u>Student records</u>
<u>Education Code 8234</u>	<u>Electronic signatures; child care and development programs</u>
<u>Government Code 16.5</u>	<u>Electronic signatures</u>
<u>Government Code 6252-6265</u>	<u>Inspection of public records</u>
<u>Government Code 811.2</u>	<u>Definition of public entity</u>
<b><u>Federal</u></b>	<b><u>Description</u></b>
<u>15 USC 7001-7006</u>	<u>Electronic Records and Signatures in Commerce Act</u>
<u>20 USC 1232g</u>	<u>Family Educational Rights and Privacy Act of 1974</u>
<u>20 USC 1400-1482</u>	<u>Individuals with Disabilities Education Act</u>

[34 CFR 99.1-99.8](#)

[Family Educational Rights and Privacy Act](#)

[34 CFR 300-300.818](#)

[Assistance to states for the education of students with disabilities](#)

**Management Resources**

[California Department of Education Publication](#)

**Description**

[Management Bulletin 17-13, October 2017](#)

**Cross References**

**Code**

[3510](#)

**Description**

[Green School Operations \(BP\)](#)

[3580](#)

[District Records \(BP\)](#)

[3580](#)

[District Records \(AR\)](#)

[5148](#)

[Child Care and Development \(BP\)](#)

[5148](#)

[Child Care and Development \(AR\)](#)

[5148.3](#)

[Preschool/Early Childhood Education \(BP\)](#)

[5148.3`](#)

[Preschool/Early Childhood Education \(AR\)](#)

[6159.1](#)

[Procedural Safeguards and Complaints for Special Education \(BP\)](#)

[6159.1](#)

[Procedural Safeguards and Complaints for Special Education \(AR\)](#)

**Policy 3550: Food Service/Child Nutrition Program**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2007 | **Last Revised Date:** ~~12/06/01/2014~~2022 | **Last Reviewed Date:** 12/01/201406/1/2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. Beginning in the 2022-23 school year, Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), requires districts, during each school day, to provide a breakfast and the lunch free of charge to any student who requests a meal programs offered by, regardless of the district. Districts may student's eligibility for a federally funded free or reduced-price meal. However, in order to receive reimbursements to offset for the costs of meals through, a district must be approved for participation in the National School Lunch Program (42 USC 1751-1769j);, or the School Breakfast Program (42 USC 1773), Special Milk Program (42 USC 1772), or other federally reimbursable meal program as described in the Child Nutrition Act (42 USC 1771-1791). In addition, state funding for meals provided to needy children may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for all available state and federal funds.

). See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that adequate, nourishing food is essential to student health and well-being, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to and participation in the district's food service programs and ~~to maximize their participation in available~~ maintain fiscal integrity of the programs in accordance with law.

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

CSBA NOTE: ~~42 USC 1758b, as added by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296),~~ mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. In addition, Education Code 49501.5, as added by AB 130, requires that meals provided under the California Universal Meals Program qualify for federal reimbursement. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.

2. Meet or exceed nutrition standards specified in law ~~and administrative regulation~~
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

CSBA NOTE: ~~Students who meet federal eligibility criteria must be provided meals free of charge or at reduced prices in accordance with 42 USC 1758 and 1773 and Education Code 49550; see BP/AR 3553 - Free and Reduced Price Meals. Pursuant to Education Code 38084, the district~~

may determine the price for other students consistent with the goal of paying the cost of maintaining the cafeterias; see BP 3551 – Food Service Operations/Cafeteria Fund. State and federal reimbursements for all child nutrition programs are administered by the CDE and are based on the number and type of meals served. CSBA NOTE: Education Code 49501.5, as added by AB 130, requires that nutritionally adequate meals be provided to any student who requests a meal regardless of the student's eligibility for a free or reduced-price meal. However, the district still must determine student eligibility for free or reduced-price meals under the National School Lunch or School Breakfast Program, in order to be reimbursed for such meals as the funds provided under the California Universal Meal Program are meant to supplement, not supplant, federal funds.

~~5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices~~

5. Be provided at no cost to students who request a meal

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. In its, "Food and Nutrition Services Instruction 113-1," the U.S. Department of Agriculture (USDA) states that a district must put in place a public notification system or grassroots effort to inform applicants, participants, and potentially eligible individuals of program availability, rights and responsibilities, and nondiscrimination policy related to federally funded nutrition programs.

At the beginning of each school year, the Superintendent or designee shall communicate information related to the district's food service programs to the public through available means, including, but not limited to, the district's web site, social media, flyers, and school publications.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Grant funding may be available through the Fresh Fruit and Vegetable Program (42 USC 1769a) to provide elementary students with a variety of free fresh fruits and vegetables throughout the school day as a supplement to school breakfast and lunch programs. Eligible schools are those that operate the National School Lunch Program and have 50 percent or more of students eligible for free and reduced-price meals.

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

~~CSBA NOTE: No state or federal law directly governs the use of food produced by school gardens or local farms. However, both~~ CSBA NOTE: The following paragraph is optional. Both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias ~~(Education Code 51795-51797; 42 USC 1769).~~ Consistent with the state meal mandate, the Instructional School Gardens Program, established pursuant to Education Code 51795-51797, encourages the creation of school gardens as a means of providing children an opportunity to learn to make healthier food choices. In addition, 42 USC 1769 permits a high poverty school (schools with 50 percent or more students eligible for free and/or reduced-price meals) that runs a community garden to use produce from the garden to supplement food provided at the school. Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

CSBA NOTE: The following paragraph is optional. Education Code 49534, as amended by AB 486 (Ch. 666, Statutes of 2021), authorizes nutrition education programs to coordinate classroom instruction with the food service program and be of sufficient variety and flexibility to meet the needs of students in the district.

To the extent possible, the school meal program shall be coordinated with the nutrition education program, instructional program for teachers, parents/guardians and food service employees, available community resources, and other related district programs.

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

~~The Board desires to provide students with~~ Students shall be allowed adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage promote participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school cafeterias and facilities for ~~cafeteria eating and~~ food preparation: and consumption.

CSBA NOTE: The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation ~~process, from~~ receiving to and service process.

CSBA NOTE: The following optional paragraph may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Districts that participate in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program are subject to a state Administrative Review of district compliance with requirements for federal meal programs, including, but not limited to, a review of nutritional quality, meal patterns, provision of drinking water, school meal environment, and food safety. Each district is reviewed at least once every three years. Also see BP 3551 - Food Service Operations/Cafeteria Fund. However, Education Code 49431, 49431.2 and 49431.5 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to ~~the U.S. Department of Agriculture's~~ USDA's, "Food and Nutrition Services Instruction 113-1," any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food ~~services~~ service program meets state and federal nutrition standards for foods and beverages. In addition, the Superintendent or designee shall provide all necessary and available documentation required for the Administrative Review conducted by the California Department of Education (CDE) to ensure the food service program's compliance with federal requirements related to nutrition standards, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by the CDE.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising
Ed. Code 38080-38103	Cafeteria; establishment and use
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
<a href="#"><u>Ed. Code 49501.5</u></a>	<a href="#"><u>California Universal Meals Program</u></a>
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49562	Meals for needy students
Ed. Code 49570	National School Lunch Act
Ed. Code 51795-51797	School instructional gardens
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements
<b>Federal</b>	<b>Description</b>
42 USC 1751-1769j	National School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1761	Summer Food Service Program and Seamless Summer Feeding Option
42 USC 1769a	Fresh Fruit and Vegetable Program
42 USC 1771-1793	Child Nutrition Act
42 USC 1772	Special Milk Program
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program



7 CFR 215.1-215.18	Special Milk Program
7 CFR 220.2-220.22	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk
<b>Management Resources</b>	<b>Description</b>
CA Project Lean Publication	Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
California Department of Education Publication	Healthy Children Ready to Learn, January 2005
California Department of Education Publication	Professional Standards in the School Nutrition Programs, Management Bulletin SNP-17-2016, <del>October 2016</del> <a href="#">13-2020</a> , <a href="#">Updated January 2022</a>
<del>California Department of Education Publication</del>	<del>School Meals Initiative Summary</del>
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
CSBA Publication	Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
U.S. Department of Agriculture Publication	School Breakfast Toolkit
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. Department of Agriculture Publication	Dietary Guidelines for Americans, 2005
U.S. Department of Agriculture Publication	Food Buying Guide for Child Nutrition Programs, December 2007
U.S. Department of Agriculture Publication	Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010
U.S. Department of Agriculture Publication	Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Website	U.S. Department of Agriculture, Food and Nutrition <del>Services</del> <a href="#">Service</a>
Website	California Farm Bureau Federation
Website	<a href="#">Nourish</a> <del>California Food Policy Advocates</del>
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	Centers for Disease Control and Prevention
Website	National Alliance for Nutrition and Activity
Website	California School Nutrition Association

Website	California Department of Education, Nutrition Services Division
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	CSBA

## Cross References

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
0500	Accountability
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3000	Concepts And Roles
3260	Fees And Charges
3260	Fees And Charges
3510	Green School Operations
3514	Environmental Safety
3514	Environmental Safety
3517	Facilities Inspection
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E-PDF(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4131	Staff Development

4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4231	Staff Development
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
5030	Student Wellness
<del>5141.22</del>	<del>Infectious Diseases</del>
<del>5141.22</del>	<del>Infectious Diseases</del>
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
<del>5145.71</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>5145.71-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E-(1)	Education For Homeless Children
6173-E-(2)	Education For Homeless Children
6176	Weekend/Saturday Classes
7110	Facilities Master Plan

**Regulation 3550: Food Service/Child Nutrition Program**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2011 | **Last Revised Date:** 03/06/01/2016/2022 | **Last Reviewed Date:** 03/06/01/2016/2022

CSBA NOTE: The following optional administrative regulation applies to food sales through the district's food service program, including, [California's Universal Meals Program \(Education Code 49501.5\)](#), the National School Lunch Program (42 USC 1751-1769j), [the](#) School Breakfast Program (42 USC 1773), and [the](#) Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

**Nutrition Standards for School Meals**

CSBA NOTE: ~~Item #1 below~~ [The following section](#) is for use by all districts. Education Code ~~49550~~ [49501.5, as added by AB 130 \(Ch. 44, Statutes of 2021\)](#), requires all schools to provide at least one nutritionally, [free of charge, two nutritiously](#) adequate meal each ~~meal~~ [meals per](#) school day to ~~students~~ [any student](#) who meet federal ~~requests a meal, regardless of a student's~~ eligibility criteria ~~for to~~ [participate in any federally-funded](#) free and/or reduced-price meals, regardless of whether the school receives reimbursements through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and/or State Meal Program (Education Code 49490-49494) or receives no funding support for school meals; see BP/AR 3553 - Free and Reduced Price Meals. ~~meal.~~ Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations. Schools participating in the National School Lunch and/or Breakfast Program must extend meal service to all students enrolled in the school.

Meals, food items, and beverages provided through the district's food services program shall: (Education Code ~~49531~~ [49501.5](#), 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8 as applicable

CSBA NOTE: Item #2 below reflects an additional requirement for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement and (2) districts participating in the State Meal Program. Pursuant to Education Code 49430.7, such districts may not provide foods that are deep fried, par fried, or flash fried. Other districts may delete or use this item at their discretion.

In addition, Education Code 49430.7 requires that foods provided by such districts not contain artificial trans fat. 7 CFR 210.10 and 220.8, as amended by 77 Fed. Reg. 17, added the same requirement to the nutrition standards for the National School Lunch and Breakfast Programs applicable to all districts; thus, the prohibition against trans fat is covered by item #1 above. [Although the new California Universal Meals Program \(Education Code 49501.5\) is not expressly subject to this requirement, it is recommended that all districts comply with it as a best practice,](#)

since only meals that qualify for federal reimbursement are reimbursable by the state under the program.

2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

## Drinking Water

CSBA NOTE: The following section is for use by all districts. Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times. Pursuant to Education Code 38086, a district may be exempted from this requirement only if the Governing Board adopts a resolution, publicly noticed on at least two consecutive meeting agendas, demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Any district whose Board has adopted such a resolution should delete this section.

Pursuant to Education Code 38086, schools may satisfy this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated water. Recommendations on the California Department of Education's web site include providing chilled water, ensuring that all water fountains are clean and operational, and encouraging water consumption through marketing and advertising.

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

## Special Milk Program

CSBA NOTE: The following section is optional. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.1 and 215.7, districts may choose to provide milk at no charge to students who qualify for free and reduced-price meals; see BP 3553 - Free and Reduced Price Meals.

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.17)

## Food Safety

CSBA NOTE: Pursuant to Health and Safety Code 113789, school cafeterias are among food facilities subject to the California Retail Food Code.

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

CSBA NOTE: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 requires such participating districts to implement a food safety program applicable to any facility or part of a facility in which food is stored, prepared, or served. Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, the food safety program must comply with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the

group, rather than developing an HACCP plan for each item. These principles are described in the USDA's ["Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles."](#)

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

CSBA NOTE: Pursuant to 7 CFR 210.30, directors, managers, and staff in the food service program must complete annual training on specified topics, including, but not limited to, training on health and safety standards. ~~In addition, new food service directors are required to complete at least eight hours of food safety training not more than five years prior to their starting date or within 30 days of the director's starting date.~~ CDE Management Bulletin SNP-17-2016 encourages districts to provide food safety training to all employees who handle food, including acting, temporary, or substitute workers and volunteers. Pursuant to Health and Safety Code 113947.1 [Based on CDE Management Bulletin SNP-13-2020, districts must ensure that such directors, managers, and staff complete an annual continuing education or training on topics that are job-related, including, but not limited to, food safety standards.](#) ~~In addition,~~ at least one employee at each food facility or site must have successfully passed an approved and accredited food safety certification examination in accordance with Health and Safety Code 113947.2-113947.3.

The Superintendent or designee shall ~~provide ongoing staff development on food safety to~~ [ensure that food service directors, managers, and employees staff complete an annual continuing education or training as required by law.](#) Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. ~~The~~ [For each employee, the](#) Superintendent or designee shall document the date, trainer, and subject of each training.

CSBA NOTE: The following paragraph is optional. The USDA's ["Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles."](#) states that districts should maintain the following types of records in order to periodically review the food safety program and, in the event of a foodborne illness, to document that reasonable care was exercised in the operation of the school's food service program.

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

### Inspection of Food Facilities

CSBA NOTE: Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, including cafeterias, vending machines, and mobile food carts. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food service employees; (3) contaminated equipment; and (4) food from unapproved sources.

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Notwithstanding the requirements of county regulations, districts participating in these programs must obtain at least two safety inspections each school year.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

**Policy Reference UPDATE Service**

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<b>State</b>	<b>Description</b>
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising
Ed. Code 38080-38103	Cafeteria; establishment and use
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 49510-49520	Nutrition
<a href="#">Ed. Code 49501.5</a>	<a href="#">California Universal Meals Program</a>
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49562	Meals for needy students
Ed. Code 49570	National School Lunch Act
Ed. Code 51795-51797	School instructional gardens
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements

**Federal**

**Description**

42 USC 1751-1769j	National School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1761	Summer Food Service Program and Seamless Summer Feeding Option
42 USC 1769a	Fresh Fruit and Vegetable Program
42 USC 1771-1793	Child Nutrition Act
42 USC 1772	Special Milk Program
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 215.1-215.18	Special Milk Program
7 CFR 220.2-220.22	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk
<b>Management Resources</b>	<b>Description</b>
CA Project Lean Publication	Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
California Department of Education Publication	Healthy Children Ready to Learn, January 2005
California Department of Education Publication	Professional Standards in the School Nutrition Programs, Management Bulletin SNP-17-2016, October 2016 <a href="#">13-2020</a> , <a href="#">Updated January 2022</a>
California Department of Education Publication	School Meals Initiative Summary
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
CSBA Publication	Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
U.S. Department of Agriculture Publication	School Breakfast Toolkit
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. Department of Agriculture Publication	Dietary Guidelines for Americans, 2005
U.S. Department of Agriculture Publication	Food Buying Guide for Child Nutrition Programs, December 2007
U.S. Department of Agriculture Publication	Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010



U.S. Department of Agriculture Publication	Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Website	U.S. Department of Agriculture, Food and Nutrition Services <a href="#">Service</a>
Website	California Farm Bureau Federation
Website	<a href="#">Nourish</a> California Food Policy Advocates
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	Centers for Disease Control and Prevention
Website	National Alliance for Nutrition and Activity
Website	California School Nutrition Association
Website	California Department of Education, Nutrition Services Division
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	CSBA

## Cross References

Code	Description
0470	COVID-19 Mitigation Plan
0500	Accountability
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
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1340	Access To District Records
1340	Access To District Records
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3260	Fees And Charges
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3514	Environmental Safety
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3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund

3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E PDF(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4131	Staff Development
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4231	Staff Development
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
5030	Student Wellness
<del>5141.22</del>	<del>Infectious Diseases</del>
<del>5141.22</del>	<del>Infectious Diseases</del>
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
<del>5145.71</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E (1)	Education For Homeless Children
6173-E (2)	Education For Homeless Children

6176

Weekend/Saturday Classes

7110

Facilities Master Plan

**Policy Reference UPDATE Service**

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**Policy 3551: Food Service Operations/Cafeteria Fund**

**Status:** ADOPTED

**Original Adopted Date:** 05/01/2017 | **Last Revised Date:** 03/06/01/2020 ~~2022~~ | **Last Reviewed Date:** 07/06/01/2019 ~~2022~~

CSBA NOTE: The following conditionally mandated policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture Agriculture's (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are mandated to adopt policy addressing meal charges, ~~including delinquent meal charges~~; see the section "Meal Sales" below and the accompanying administrative regulation. However, with the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. Consequently, certain program requirements may no longer be applicable.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to purchase land or buildings unless otherwise approved by USDA's Food and Nutrition Services, or to construct buildings. Authorized expenditures are specified in Education Code 38101 and defined in the California Department of Education's (CDE) "California School Accounting Manual."

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

CSBA NOTE: The following paragraph is for use by districts that participate in the National School Lunch and/or Breakfast Program and may be adapted for use by other districts. Pursuant to 42 USC 1776 and 7 CFR 210.30, USDA has established minimum professional standards for food service directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. See CDE's Nutrition Services Division Management Bulletin ~~10-2019~~ SNP-13-2020 for updated information about state hiring standards.

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training ~~on, at least once each year, on food service administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year.~~ In addition, Such training is required to include modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. ~~CDE provides~~ See CDE's web site for online training that meets these requirements; ~~see CDE's web site.~~

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

## Meal Sales

CSBA NOTE: ~~The following section may be revised~~ Commencing with the 2022-23 school year, each district is required, pursuant to Education Code 49501.5, as added by districts that have one or more high-poverty schools that operate under the federal universal meal service provision (42 USC 1759a), which provides AB 130, to provide a nutritionally adequate breakfast and/or lunch free of charge to all, to any student who requests a meal, regardless of the student's eligibility for participation in the federal free or reduced-price meal program. Consequently, only nonprogram foods may be sold to students at the school. For further information, see BP 3553 - Free and Reduced Price Meals.

~~Meals may be sold to students,~~ Any student who requests a meal shall be served a nutritionally adequate breakfast and lunch free of charge, each school day. (Education Code 49501.5)

As permitted by law, additional or second meals, adult meals, and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49501.5)

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

CSBA NOTE: Pursuant to Education Code 38082, the Governing Board ~~may~~ is authorized to adopt a resolution to ~~authorize~~ permit the serving of meals to additional persons individuals and organizations other than those ~~listed above.~~ specified in the preceding paragraph. CDE's Nutrition Services Division Management Bulletin ~~00-111~~ SNP-04-2021 states that ~~the Board's policy or resolution must specify the means for serving those persons and indicates that using funds from the National School Lunch or Breakfast Program~~ may not be used to serve any nonstudent ~~would be contrary to program goals.~~ The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

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

CSBA NOTE: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias or other costs determined by Board resolution, which are paid from district funds other than the cafeteria fund, pursuant to Education Code 38100).

~~Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. For information about setting prices for full-price meals, see 42 USC 1760 and CDE's Nutrition Services Division Management Bulletin SNP 11-2019.~~

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. ~~Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.~~

CSBA NOTE: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge

policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. See the accompanying administrative regulation for additional language fulfilling this mandate.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

~~CSBA NOTE: Education Code 49557.5 requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students whose parents/guardians have unpaid meal fees are not shamed or treated differently than other students. As amended by SB 265 (Ch. 785, Statutes of 2019), Education Code 49557.5 provides that students with unpaid meal fees must not be denied a reimbursable meal of their choice, eliminating the possibility that a school could provide an alternative meal to a student with unpaid meal fees. For further information about unpaid meal charges, see CDE's Nutrition Services Division Management Bulletin SNP-03-2017.~~

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

~~The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified by the use of special tokens, tickets, or other means and is not shamed, treated differently, or denied a meal of the student's choice. (Education Code 49557, 49557.5)~~

## **Cafeteria Fund**

### **Cafeteria Fund and Account**

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

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

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

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

CSBA NOTE: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

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

### Contracts with Outside Services

CSBA NOTE: The following ~~section is optional paragraph may be revised.~~ Pursuant to reflect Education Code 45103.5, the district practice. 2 CFR Part 200, Appendix VII and USDA guidance, Indirect Costs: Guidance is authorized to contract for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school consulting services related to food service account. Also see management. Education Code 45103.5, 42 USC 1758, and 7 CFR 210.16 authorize a district, under specified conditions, and with approval of CDE, to contract with a food service management company to manage food service operations in any district school. See the accompanying administrative regulation for related requirements.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and

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

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

### Procurement of Foods, Equipment and Supplies

CSBA NOTE: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. ~~USDA~~ USDA's Memorandum SP 38-2017 clarifies that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to the Memorandum, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

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

Pursuant to Education Code 49563, CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

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

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

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

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

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

### **Program Monitoring and Evaluation**

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

CSBA NOTE: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. ~~Each district is reviewed at least once every three years except that, for school years from 2017-2019 through 2021-22, the three-year review cycle was extended to a five-year cycle pursuant to a waiver submitted by CDE's Nutrition Services Division to USDA.~~ **The CDE performs an Administrative Review of participating districts every three years.** See CDE's nutrition services web site for a current list of documents that may be requested for the review.

~~During the Administrative Review, CDE will review district policies on unpaid meal charges, unpaid meal debt, the prohibition against shaming of students whose families cannot pay for a meal or who have unpaid meal debt, and processes for notifying parents/guardians of these policies at the beginning of the school year and when a student enrolls during the school year.~~

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.



**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals
Ed. Code 38090-38095	Cafeterias, funds and accounts
Ed. Code 38100-38103	Cafeterias, allocation of charges
Ed. Code 42646	Alternate payroll procedure
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 49490-49493	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49554	Contract for services
Ed. Code 49580-49581	Food recovery program
F&A Code 58595	Preference for California-grown agricultural products
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
<b>Federal</b>	<b>Description</b>
2 CFR 200	Appendix VII -Indirect cost proposals
2 CFR 200.318-200.326	Procurement standards
2 CFR 200.400-200.475	Cost principles
2 CFR 200.56	Indirect costs, definition
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1793	Child nutrition
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program
7 CFR 220.1-220.22	National School Breakfast Program
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and -free milk

7 CFR 250.1-250.70

### Management Resources

California Department of Education  
Publication

California Department of Education  
Publication

California Department of Education  
Publication

California Department of Education  
Publication

California Department of Education  
Publication

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U.S. Department of Agriculture  
Publication

U.S. Department of Agriculture  
Publication

U.S. Department of Agriculture  
Publication

[U.S. Department of Agriculture  
Publication](#)

USDA foods

### Description

~~Paid [Pricing of Adult Meals in the National School Lunch Equity Requirement and Calculation Tool Updated Guidance for School Year 2019-20](#) [School Breakfast Programs](#), NSD Management Bulletin, SNP-11-2019, May 2019~~ [04-2021, August 2021](#)

~~Senate Bill 250: Child Hunger Prevention and Fair Treatment Act of 2017 and USDA Meal Charge Policy Requirements, NSD Management Bulletin, SNP-05-2018~~

Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015

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

~~Unpaid Meal Charges April 2017~~

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

Food Distribution Program Administrative Manual

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

~~Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013~~ [05-2020, February 2020](#)

~~Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, May 2015~~

California School Accounting Manual

School Meals - FAQs

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

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

~~Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016~~ [38-2017, June 2017](#)

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

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

[School Meals - FAQs](#)

U.S. Department of Agriculture  
Publication

~~Overcoming the Unpaid Meal Challenge: Proven Strategies  
from Our Nation's Schools~~  
[Charges: Local Meal Charge  
Policies](#), SP 29-2017, September 46-2016, July 2016

Website

U.S. Department of Agriculture, Food and Nutrition Services

Website

California Department of Education, Nutrition Services  
Division

Website

California School Nutrition Association

## Cross References

### Code

### Description

0410

Nondiscrimination In District Programs And Activities

1113

District And School Web Sites

1113

District And School Web Sites

1113-E(1)

District And School Web Sites

1340

Access To District Records

1340

Access To District Records

3100

Budget

3100

Budget

3110

Transfer Of Funds

3230

Federal Grant Funds

3230

Federal Grant Funds

3260

Fees And Charges

3260

Fees And Charges

3300

Expenditures And Purchases

3311

Bids

3311

Bids

3312

Contracts

3314.2

Revolving Funds

3400

Management Of District Assets/Accounts

3400

Management Of District Assets/Accounts

3460

Financial Reports And Accountability

3460

Financial Reports And Accountability

3510

Green School Operations

3511

Energy And Water Management

3511

Energy And Water Management

3512

Equipment

3512-E-(1)

Equipment

3515.6	Criminal Background Checks For Contractors
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E-(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
<del>3600</del>	<del>Consultants</del>
4112.4	Health Examinations
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4231	Staff Development
4312.4	Health Examinations
4331	Staff Development
5030	Student Wellness
5145.6	Parental Notifications
5145.6-E-(1)	Parental Notifications

**Regulation 3551: Food Service Operations/Cafeteria Fund**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2019 | **Last Revised Date:** 03/06/01/2020-2022 | **Last Reviewed Date:** 07/06/01/2019-2022

CSBA NOTE: Districts that provide breakfast and/or lunch free of charge to all students (i.e., "universal meal service") at one or more schools pursuant to 42 USC 1759a or Education Code 49550.5 should revise the following administrative regulation accordingly. Also see BP/AR 3553 - Free and Reduced Price Meals. CSBA NOTE: With the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. To receive state reimbursement for the two meals, districts must participate in both the National School Lunch Program and the School Breakfast Program and comply with the requirement to have a written and clearly communicated meal charge policy as mandated pursuant to U.S. Department of Agriculture's (USDA) Memorandum SP 46-2016. However, some requirements of the National School Lunch Program and/or School Breakfast Program are no longer applicable.

**Payments for Meals**

CSBA NOTE: State and federal law (Education Code 49550, 49557; 42 USC 1758, 1773; 7 CFR 245.8) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. Districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day.

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

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

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

CSBA NOTE: Districts should, at a minimum, inform parents/guardians at the beginning of the school year and on an ongoing basis of district practices for students who have lost or forgotten their meal payment. In addition, districts should set up a system for notifying parents/guardians when a student's meal payment account has a low or negative balance.

According to USDA's Memorandum SP-23-2017, the district's policy on delinquent meal payments must be communicated in writing to all households at the start of each school year and to households transferring to the school during the school year. CDE's Nutrition Services Division Management

Bulletin SNP-03-2017 states that, at a minimum, districts should use the methods specified below to communicate the district's meal policy.

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

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications eligibility forms at the start of the school year
4. Posting the policy on the district's web site

### Reimbursement Claims

5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to the USDA's "School Meals – FAQs," any district that participates in the National School Lunch and/or Breakfast Program and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets when applications for free and reduced-price meals are distributed or approved; (2) maintains a list of students who have reported lost and stolen tickets and the number of occurrences for each student; (3) issues at least one advance warning to the student or the student's parent/guardian prior to refusing to issue a replacement ticket; and (4) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.~~  
CSBA NOTE: To streamline administration of state and federal meal programs, the California Department of Education (CDE) has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports a ticket as lost or stolen.

However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or

designee shall investigate any claim that a bill does not belong to a student or is inaccurate, and shall open a new account as appropriate for a student whose account appears to have been misused.

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

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

### **Unpaid and Delinquent Meal Charges**

CSBA NOTE: The following section reflects requirements applicable to districts participating in the National School Lunch and/or Breakfast Program and may also be used by districts that do not participate in the program. Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. Such policy may be consistent for all students or vary by grade level. The following section may be revised to reflect district practice.

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

Students who have unpaid meal charges shall be served a meal of their choice throughout the school year regardless of the level of debt incurred by the household. Such students shall not be overtly identified by the use of special tokens, tickets, or other means and shall not be shamed, treated differently, or denied a meal of their choice. (Education Code 49557, 49557.5)

CSBA NOTE: Education Code 49557.5 requires that parents/guardians be notified no later than 10 days after a student's school meal account has reached a negative balance. At its discretion, the district may choose to also notify parents/guardians before the student's meal account reaches a negative balance. The following paragraph may be modified to reflect district practice.

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

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

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

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

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

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

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

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

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

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

### **Donation of Leftover Food**

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

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

### **Cafeteria Fund and Account**

~~CSBA NOTE: Education Code 38093 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.~~

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

~~CSBA NOTE: Education Code 38101 permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.~~



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

CSBA NOTE: The following ~~optional~~ paragraph is optional. By law, cafeteria funds may be used for use by districts that choose to provide universal breakfast (free the operation and improvement of charge to all students) at one or more schools. Pursuant school food services. For example, pursuant to Education Code 49550.5, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE. ~~The requirement to submit certification does not apply to any district that provides universal breakfast pursuant to a federally authorized provision (e.g., Provision 1, 2, or 3 or the Community Eligibility Provision of the National School Lunch Act).~~

~~With CDE approval, the~~ The district may use cafeteria funds to supplement the provision of universal a nutritionally adequate breakfast. ~~On and/ or before July 1 of each year, the~~ lunch to district shall submit to CDE a Board signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered when permitted by the district with nonfederal funds. (Education Code 49550.5) law.

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII and ~~USDA~~ USDA's guidance, "SP 60-2016, Indirect Costs: Guidance for State Agencies and School Food Authorities," provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

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

CSBA NOTE: Pursuant to 7 CFR 210.14 and 220.7, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months' average expenditures. If there is a surplus, then according to ~~USDA~~ USDA's guidance, "Indirect Costs: Guidance for State Agencies and School Food Authorities," the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. CDE's Nutrition Services Division Management Bulletin NSD-SNP-07-2013 provides that CDE may approve a district's net cash resources in an amount greater than three months' average expenditures if the district has a spending plan for the excess funds in place with the Nutrition Services Division.

Net cash resources in the nonprofit school food service shall not exceed three months' average expenditures. (7 CFR 210.14, 220.7)

## **U.S. Department of Agriculture Foods**

CSBA NOTE: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. CDE is responsible for ordering and distributing USDA foods for use in California schools.

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such

storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

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

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

### Contracts with Outside Services

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

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

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

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

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals
Ed. Code 38090-38095	Cafeterias; funds and accounts
Ed. Code 38100-38103	Cafeterias; allocation of charges

Ed. Code 42646	Alternate payroll procedure
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 49490-49493	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
<a href="#">Ed. Code 49501.5</a>	<a href="#">California Universal Meals Program</a>
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49554	Contract for services
Ed. Code 49580-49581	Food recovery program
F&A Code 58595	Preference for California-grown agricultural products
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

**Federal**

2 CFR 200	<b>Description</b> Appendix VII -Indirect cost proposals
2 CFR 200.318-200.326	Procurement standards
2 CFR 200.400-200.475	Cost principles
2 CFR 200.56	Indirect costs; definition
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1793	Child nutrition
42 USC 1773	School Breakfast Program
<del>7 CFR 210.1-210.31</del>	<del>National School Lunch Program</del>
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program
7 CFR 220.1-220.22	National School Breakfast Program
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and -free milk
7 CFR 250.1-250.70	USDA foods

**Management Resources**

California Department of Education Publication	<b>Description</b> <del>Paid Lunch Equity Requirement and Calculation Tool-</del> Updated <a href="#">Exemption</a> Guidance for School Year 2019-20, NSD Management Bulletin, SNP-11-2019, May 2019 <a href="#">02-2021</a> , <a href="#">April 2022</a>
California Department of Education Publication	Senate Bill 250: Child Hunger Prevention and Fair Treatment Act of 2017 and USDA Meal Charge Policy Requirements, NSD Management Bulletin, SNP-05-2018

California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
California Department of Education Publication	<del>Unpaid Meal Charges April 2017</del>
California Department of Education Publication	<del>Paid Lunch Equity Requirement, NSD Management Bulletin, USDA-SNP-16-2012, October 2012</del>
California Department of Education Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	<del>Pricing of Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin 00-111, July 2000</del> <a href="#">SNP-04-2021, August 2021</a>
California Department of Education Publication	<del>Cafeteria Funds-- Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013</del> <a href="#">05-2020, February 2020</a>
California Department of Education Publication	<del>Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, May 2015</del>
California Department of Education Publication	California School Accounting Manual
U.S. Department of Agriculture Publication	<del>School Meals -- FAQs</del>
U.S. Department of Agriculture Publication	<del>Unpaid Meal Charges: Guidance and Q&amp;A, SP 23-2017, March 2017</del>
U.S. Department of Agriculture Publication	<del>Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016</del>
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016
<a href="#">U.S. Department of Agriculture Publication</a>	<a href="#">School Meals FAQs</a>
U.S. Department of Agriculture Publication	<del>Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools</del> <a href="#">Charges: Local Meal Charge Policies, SP 29-2017, September 2017</a> <a href="#">46-2016, July 2016</a>
Website	U.S. Department of Agriculture, Food and Nutrition Services
Website	California Department of Education, Nutrition Services Division
Website	California School Nutrition Association

## Cross References

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3110	Transfer Of Funds
3230	Federal Grant Funds
3230	Federal Grant Funds
3260	Fees And Charges
3260	Fees And Charges
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3312	Contracts
3314.2	Revolving Funds
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3512	Equipment
3512-E-(1)	Equipment
3515.6	Criminal Background Checks For Contractors
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals

3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E-(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
<del>3600</del>	<del>Consultants</del>
4112.4	Health Examinations
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4231	Staff Development
4312.4	Health Examinations
4331	Staff Development
5030	Student Wellness
5145.6	Parental Notifications
5145.6-E-(1)	Parental Notifications

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**Policy 3553: Free And Reduced Price Meals**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2016 | **Last Revised Date:** 03/06/01/20182022 | **Last Reviewed Date:** 03/06/01/20182022

CSBA NOTE: In addition to the requirement, pursuant to Education Code 49550-requires, that all districts to provide at least one nutritionally adequate meal during each school day to needy students, as defined in Education Code 49552-as those who meet federal eligibility criteria for-, commencing June 1, 2022, all districts are required pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), to provide a free, nutritionally adequate breakfast and lunch each school day, to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility. To be eligible for state reimbursement for provision of meals- under Education Code 49501.5, a district must participate in the National School Lunch and/or School Breakfast Programs. Consequently, the federal rules and regulations governing those programs are applicable to districts that may want to seek state reimbursement for the cost of meals required pursuant to Education Code 49501.5.

Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) may receive a higher reimbursement rate for free and reduced-price meals than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Breakfast and Lunch Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

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

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

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

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

~~The~~ Each school day, the district shall provide ~~at least one, free of charge, a~~ nutritionally adequate meal ~~each school day, free of charge or at a reduced price,~~ breakfast and lunch for students whose families ~~meet federal eligibility criteria.~~ any student who requests a meal. (Education Code 49550, 49552 49501.5)

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

If all district schools operate under a universal meal service provision, this policy and the accompanying regulation should be revised to delete references to reduced-price meals, student eligibility, and the application process. CSBA NOTE: Education Code 49564.3, as added by AB 130, requires districts with a "high poverty school," defined as a school that is eligible to operate the Community Eligibility Provision (CEP) pursuant to 42 USC 1759a, to adopt a universal meal service provision such as the CEP or Provision 2 no later than June 30, 2022.

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

If any district school meets the criteria for a "very high poverty school" through its eligibility for the federal Community Eligibility Provision reimbursement rate pursuant to 42 USC 1759a, the district ~~The Superintendent or designee shall apply~~ submit an application to operate a federal universal meal provision to the California Department of Education (CDE) ~~to operate a universal meal service, unless the Board adopts a resolution stating that the district is unable to comply with this requirement due to fiscal hardship. The resolution shall be part of the public agenda for at least two consecutive Board meetings, first as an information item and then as an action item. The Board shall reconsider the resolution at least once every four years.~~ on behalf of any district school that meets the definition of a "high poverty school." (Education Code 49564; 42 USC 1759a).<sup>3)</sup>

CSBA NOTE: In order to be reimbursed for the California Universal Meal Program established pursuant to Education Code 49501.5, as added by AB 130, or for free and reduced-price meals under the federal National School Lunch or School Breakfast Program, a school must meet ~~federal~~ state and/or ~~state~~ federal nutritional guidelines in ~~7 CFR 210.10 and 220.8 and Education Code 49430 and 49430.7 and 7 CFR 210.10 and 220.8~~, as described in AR 3550 - Food Service/Child Nutrition Program.

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

CSBA NOTE: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program or Summer Food Service Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following optional paragraph is for use by districts that choose to provide free milk to eligible students. CSBA NOTE: Education Code 49557 requires the district to develop a plan ensuring that students eligible to receive free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

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



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

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

### Confidentiality/Release of Records

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

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

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

1. Disaggregation of academic achievement data

CSBA NOTE: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES.

Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316, CSBA believes that the use of free and reduced-price eligibility data would be necessary to implement Title I, Part A of the Elementary and Secondary Education Act, which provides financial assistance to meet the needs of students from low-income families, as well as other federal programs. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

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

CSBA NOTE: According to CDE ~~In its~~ Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit ~~02-2018, CDE clarified that designated school officials authorized to administer~~ the sharing of free and reduced-price meal application information to other districts/schools for ~~program may share~~ the purpose of determining students' eligibility. The district may provide only the student's name and eligibility status ~~unless of a student with other school officials within the district for purposes not directly related to~~ the applicant consents ~~free and reduced-price meal program, such as~~ to facilitate the sharing of additional information. ~~provision of educational services and support to students who participate in the free and reduced-price meal program on a targeted basis rather than on a schoolwide or districtwide basis, in accordance with the local control accountability plan.~~

### 3. Facilitation of targeted educational services and supports to individual students based on the local control accountability plan

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

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

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

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

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

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<b>State</b>	<b>Description</b>
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs

Ed. Code 49500-49505

[Ed. Code 49501.5](#)

Ed. Code 49510-49520

Ed. Code 49530-49536

Ed. Code 49547-49548.3

Ed. Code 49550-49564.5

[Ed. Code 49564.3](#)

### **Federal**

20 USC 1232g

20 USC 6301-6576

42 USC 1751-1769j

42 USC 1771-1791

42 USC 1773

7 CFR 210.1-210.31

7 CFR 220.10-220.21

7 CFR 245.1-245.13

### **Management Resources**

California Department of Education  
Publication

CSBA Publication

CSBA Publication

U.S. Department of Agriculture  
Publication

U.S. Department of Agriculture  
Publication

Website

Website

Website

Website

Website

School meals

[California Universal Meals Program](#)

Nutrition

Child Nutrition Act

Comprehensive nutrition services

Meals for needy students

[High-poverty schools; universal meal service](#)

### **Description**

Family Educational Rights and Privacy Act (FERPA) of 1974

Title I Improving the Academic Achievement of the  
Disadvantaged

School Lunch Program

Child nutrition

School Breakfast Program

National School Lunch Program

National School Breakfast Program

Eligibility for free and reduced-price meals and free milk

### **Description**

~~Direct Certification Implementation Checklist Free and  
Reduced-Price Meals: January 2018~~[Clarification on the  
Sharing of Individual Student Eligibility Information for Local  
Control and Accountability Plan Purposes, Management  
Bulletin SNP-02-2018, May 2018](#)

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

Monitoring for Success: A Guide for Assessing and  
Strengthening Student Wellness Policies, [rev.](#) 2012

Eligibility Manual for School Meals: Determining and  
Verifying Eligibility, July ~~2015~~[2017](#)

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

U.S. Department of Agriculture, Food and Nutrition  
~~Services~~[Service](#)

[Nourish](#) California Food Policy Advocates

California Project LEAN (Leaders Encouraging Activity and  
Nutrition)

California Department of Education, Nutrition Services  
Division

CSBA

### **Cross References**

<b>Code</b>	<b>Description</b>
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E-PDF(1)	Nutrition Program Compliance
4119.23	Unauthorized Release Of Confidential/Privileged Information
4219.23	Unauthorized Release Of Confidential/Privileged Information
4319.23	Unauthorized Release Of Confidential/Privileged Information
5030	Student Wellness
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
<del>5141.22</del>	<del>Infectious Diseases</del>
<del>5141.22</del>	<del>Infectious Diseases</del>

5141.6	School Health Services
5141.6	School Health Services
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E-PDF(1)	Parental Notifications
<del>5145.71</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>5145.71-E-PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
<del>6164.5</del>	<del>Student Success Teams</del>
<del>6164.5</del>	<del>Student Success Teams</del>
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E-(1)	Education For Homeless Children
6173-E-(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6177	Summer Learning Programs

**Regulation 3553: Free And Reduced Price Meals**

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2016 | **Last Revised Date:** 03/06/01/20182022 | **Last Reviewed Date:** 03/06/01/20182022

CSBA NOTE: In addition to the requirement pursuant to Education Code 49550 requires, that all districts to provide at least one nutritionally adequate meal during each school day to low-income needy students, as defined in Education Code 49552 as those who meet federal eligibility criteria for, commencing June 1, 2022, all districts are required pursuant to Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), to provide a free, nutritionally adequate breakfast and lunch each school day to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility. To be eligible for state reimbursement for provision of meals, under Education Code 49501.5, a district must participate in the National School Lunch and/or School Breakfast Programs. Consequently, the federal rules and regulations governing those programs are applicable to districts that may want to seek state reimbursement for the cost of meals required pursuant to Education Code 49501.5.

The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and/or the State Meal Program (Education Code 49490-49494).

**Applications**

CSBA NOTE: ~~The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010), "Universal Meals Program Questions and Answers," clarifies that it is districts participating in the responsibility of the district National School Lunch and/or Breakfast Program must continue to ensure that collect meal applications, as meal counts for reimbursement purposes need to be claimed in accordance with the amount of free and, reduced-price, and paid meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish.~~served.

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

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

CSBA NOTE: The following paragraph is optional. In addition to the paper application form described above, Education Code 49557 authorizes districts to make the application for free or reduced-price meals available online, provided that it complies with specified requirements.

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

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

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

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

## Eligibility

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

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

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

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

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

Further information about direct certification and eligibility is available in the USDA's "Eligibility Guidance for School Meals Manual."

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

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKS), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when

authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

### Verification of Eligibility

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

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

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

If any household is to receive a reduction or termination of benefits ~~if~~ as a result of verification activities, the eligibility of a household that is receiving free or reduced-price benefits cannot be confirmed, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for the household's ineligibility. ~~He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided~~ At least 10 days prior to the actual reduction or termination of benefits, the Superintendent or designee shall send a notice of adverse action to the household. The notice shall advise the household of: (7 CFR 245.6a)

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

### Confidentiality/Release of Records

CSBA NOTE: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing designated district employees to use individual student records compiled in the administration of the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576. See the accompanying Board policy. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

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

The Superintendent designates the following district employee(s) to ~~use~~ disclose a student's name and eligibility status from individual meal records ~~pertaining to student participation in the free and reduced-price meal program~~ only for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC



6301-6576.

\_\_\_\_Assistant Superintendent of Business Services\_\_\_\_\_  
(title or position)

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

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law.
2. Information regarding individual student participation in the free and reduced-price meal program is not publicly released.
3. All other confidentiality provisions required by law are met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program is destroyed when no longer needed for its intended purpose.

### **Nondiscrimination Plan**

~~The district's plan for students receiving~~

CSBA NOTE: Pursuant to Education Code 49557, even with the establishment of the universal meal program, the legal obligation under federal law to ensure that students who are eligible for free and reduced-price meals are not treated differently remains applicable to districts.

~~In implementing the district's food service programs for students who are eligible to receive~~ free or reduced-price meals, the district shall ensure the following: (Education Code 49557; 42 USC 1758)

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

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

### **Prices**

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

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

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
<a href="#"><u>Ed. Code 49501.5</u></a>	<a href="#"><u>California Universal Meals Program</u></a>
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49564.5	Meals for needy students
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1791	Child nutrition
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 220.10-220.21	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<del>Direct Certification Implementation Checklist Free and Reduced-Price Meals: January 2018</del>
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, <a href="#"><u>rev.</u></a> 2012
U.S. Department of Agriculture Publication	Eligibility Manual for School Meals: Determining and Verifying Eligibility, July <del>2015</del> <a href="#"><u>2017</u></a>
U.S. Department of Agriculture Publication	Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

Website	U.S. Department of Agriculture, Food and Nutrition Services <a href="#">Service</a>
Website	<a href="#">Nourish</a> California Food Policy Advocates
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	California Department of Education, Nutrition Services Division
Website	CSBA

## Cross References

Code	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E-(1)	Nutrition Program Compliance
4119.23	Unauthorized Release Of Confidential/Privileged Information

4219.23	Unauthorized Release Of Confidential/Privileged Information
4319.23	Unauthorized Release Of Confidential/Privileged Information
5030	Student Wellness
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
<del>5141.22</del>	<del>Infectious Diseases</del>
<del>5141.22</del>	<del>Infectious Diseases</del>
5141.6	School Health Services
5141.6	School Health Services
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
<del>5145.71</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
<del>5145.71-E PDF(1)</del>	<del>Title IX Sexual Harassment Complaint Procedures</del>
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
<del>6164.5</del>	<del>Student Success Teams</del>
<del>6164.5</del>	<del>Student Success Teams</del>
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E- (1)	Education For Homeless Children
6173-E-(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program

6176

Weekend/Saturday Classes

6177

Summer Learning Programs

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**Regulation 4112.2: Certification**

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2011 | **Last Revised Date:** 07/06/01/2017 2022 | **Last Reviewed Date:** 07/06/01/2017 2022

**Verification of Credentials**

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 44330, 44332.5, and 44857, each person employed in a position requiring certification qualifications must register a valid credential not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential. Pursuant to Education Code 44332.5, a district with over 10,000 average daily attendance (ADA) may provide for the registration of its own certificated employees' credentials. If it does not do so, or if the district has 10,000 ADA or less, certificated employees' credentials must be registered with the county office of education: (COE). The following section may be revised to reflect district practice.

The Commission on Teacher Credentialing (CTC) does not provide credentials in a paper format. Pursuant to 5 CCR 80001, the official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from ~~the CTC~~ CTC's web site. ~~If an applicant has indicated a county of employment on his/her application, the county office of education will receive a download of credential information for that applicant.~~ For all other certificated staff, the district must obtain verification of its employees' certification through ~~the~~ CTC's online service and may print the displayed information.

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

CSBA NOTE: Pursuant to Education Code 44332, 44332.5, and 44332.6, an individual may be employed while his/her CTC is processing the application ~~is being processed by the CTC~~ if he/she the individual holds a temporary certificate issued by a district with over 10,000 ADA or the ~~county office of education~~ COE, indicating that he/she the individual has passed the state assessment of teachers' basic skills and completed a criminal record check. ~~As amended by AB 1918 (Ch. 127, Statutes of 2016),~~ Education Code 44332, 44332.5, and 44332.6 require the district or ~~county office of education~~ COE, prior to issuing a temporary certificate, to obtain a certificate of clearance (fingerprint clearance) from ~~the~~ CTC to satisfy the criminal record check requirement.

The Superintendent or designee shall verify that any person who is employed by the district while his/her CTC is processing the application for certification ~~is being processed by the CTC~~ possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

**Basic Skills Proficiency**

CSBA NOTE: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Such exemptions are specified in Education Code 44252 and 44830. Unless exempted, persons who have been granted a credential by ~~the~~ CTC have met the basic skills

proficiency requirement as a condition of obtaining the credential. According to CTC leaflet CL-667, Basic Skills Requirement, the basic skills proficiency requirement also may be met by passage of the California Basic Educational Skills Test, California Subject Examinations for Teachers: Multiple Subject Plus Writing Skills Examination, California State University Early Assessment Program, California State University Placement Examinations, or a basic skills examination from another state.

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

CSBA NOTE: According to CTC leaflet CL-667, "Basic Skills Requirement", the basic skills proficiency requirement may be met as reflected in Items #1-8, below.

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers plus Writing Skills Examination
3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)
5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of a basic skills examination from another state

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 (Ch. 44, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by CTC for an applicant not enrolled in a California credential preparation program. "Qualifying coursework" means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Pursuant to Education Code 44203, as amended by AB 320 (Ch. 663, Statutes of 2021), the definition of a "regionally accredited institution" includes an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status in addition to an institution of higher education that has already been designated as regionally accredited. CTC is proposing emergency regulations to implement the statutory changes to subject matter competence requirements enacted by AB 130; see CTC Coded Correspondence 21-06 for more information on the proposed regulations.

7. Qualifying coursework (Education Code 44252)

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 and AB 167 (Ch. 252, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement if a credential preparation program or CTC determines that an applicant has demonstrated proficiency through a combination of coursework, as described in Item #7, above, passage of a component or components of the basic skills proficiency test, and scores described in Items #3 and 4, above.

## 8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if ~~he/she~~the employee has not yet been afforded the opportunity to take the test, provided that ~~he/she~~the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of ~~his/her~~the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by ~~the~~ CTC unless ~~he/she~~the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

CSBA NOTE: Pursuant to Education Code 44252 and 44830, persons holding or applying for a "designated subjects special subjects" credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to meet the state basic skills proficiency requirement. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

### **Short-Term Staff Permit**

CSBA NOTE: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, ~~the~~ CTC will issue the STSP to an individual only once and for no more than one year. The STSP will expire no later than July 1, unless the STSP is for a summer school assignment in which case the STSP will expire no later than September 1.

The district may request that ~~the~~ CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved ~~intern~~internship program
4. Inability of the applicant to enroll in an approved ~~intern~~internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an ~~intern~~internship program or the applicant's withdrawal from an ~~intern~~internship program



The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to the CTC: (5 CCR 80021)

1. Verification that the district has conducted a local recruitment for the permit being requested
2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit
3. Written justification for the permit signed by the Superintendent or designee

CSBA NOTE: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed academic instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

### **Provisional Internship Permit**

CSBA NOTE: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when appropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued for one calendar year and may not be renewed.

Before requesting that the CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that the CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or ~~county office of education~~ COE and who has completed at least three years of full-time classroom teaching experience.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a ~~public~~ an open Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that ~~he/she~~ the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an intern program.

CSBA NOTE: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). In addition, 5 CCR 80021.1 provides that all PIPs will include an English learner authorization allowing the holder to provide services in ELD or SDAIE; see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

### Teaching Permit for Statutory Leave

CSBA NOTE: 5 CCR 80022, as added by Register 2016, No. 34, establishes the Teaching Permit for Statutory Leave (TPSL), which authorizes the holder to serve as the interim teacher of record when a teacher takes a statutory leave. The applicable statutory leaves are specified in 5 CCR 80022 and, as clarified by CTC Coded Correspondence 16-10, exclude administrative leave. The TPSL is valid for one calendar year from the first day of the month immediately following the date of issuance, but may be renewed on an annual basis provided that the holder completes additional requirements as specified and the district verifies that it will provide continued mentoring and support.

Qualifications required for the TPSL include possession of a bachelor's or higher degree, completion of the basic skills requirement unless exempted by state law or regulations, completion of a subject-matter requirement, and 45 hours of preservice preparation in the content areas listed in 5 CCR 80022. The design and delivery of the preservice preparation are at the discretion of the district and, as described in CTC Coded Correspondence 16-10, may include existing training and development programs, new

preparation courses or modules, and/or partnerships with the county office of education COE, neighboring districts, colleges and universities, or private companies. The CTC does not accredit or oversee any TPSL preparation. The following paragraph may be revised to reflect district practice.

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that the CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to the CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to the CTC that it will provide the interim teacher: (5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

CSBA NOTE: The TPSL authorizes the interim teacher of record to serve for the full length of the statutory leave. CTC Coded Correspondence 16-10 clarifies that, when more than one acceptable leave is taken consecutively, the holder of the TPSL may continue to serve as the interim teacher of record for the entire length of those leaves.

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022. He/she shall **and** annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with items #2-3 above. (5 CCR 80022)

### Long-Term Emergency Permits

CSBA NOTE: Pursuant to Education Code 44225.7, the district may request that the CTC grant an applicant a one-year emergency permit (Education Code 44300; 5 CCR 80023-80026.6) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits may only be issued for the resource specialist permit (5 CCR 80024.3.1), teacher librarian services permit (5 CCR 80024.6), crosscultural, language and academic development permit (**CLAD**) (5 CCR 80024.8), and bilingual authorization permit (5 CCR 80024.7).

Pursuant to 5 CCR 80023.1, an emergency permit may be renewed for up to two additional one-year

periods (for a maximum of three years of service).

In order to request an emergency permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an intern program or are scheduled to complete preliminary credential requirements within six months and must submit a Declaration of Need for Fully Qualified Educators; see the accompanying Board policy.

As necessary, the Superintendent or designee may request that the CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit, [\(CLAD\)](#), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before ~~he/she begins~~ beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or ~~county office of education~~ COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

### Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

**CSBA NOTE:** 5 CCR 80025.3, as amended by Register 2016, No. 34, authorizes the holder of the STSP, PIP, or TPSL to provide day-to-day substitute teaching services for up to 30 days for a general education teacher or 20 days for a special education teacher.

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the ~~California Basic Educational Skills Test~~ CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. ~~He/she shall not serve~~ or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

**CSBA NOTE:** 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to item #1 or 4 above. The CTC form for the Statement of Need may be found in ~~the~~ CTC's online "Credential Information Guide," which may be accessed only by employers.

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 80001-80674.6	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44399.1 <a href="#">44418</a>	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University <del>intern</del> <a href="#">internship</a> program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code <del>8360-8370</del> <a href="#">8295-8305</a>	Qualifications of child care <a href="#">Child development program</a> personnel <a href="#">qualifications</a>
<b>Federal</b>	<b>Description</b>
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.48 <a href="#">61</a>	Parent notification regarding teacher qualifications
<b>Management Resources</b>	<b>Description</b>
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
Commission on Teacher Credentialing Publication	Credential Information Guide
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022</a>
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter</a>

	<a href="#">Competence, Coded Correspondence 21-06, September 20, 2021</a>
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved <del>Add</del> <a href="#">Addition</a> and Amendments to Title 5 of the <del>CCR</del> <a href="#">California Code of Regulations</a> Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession ( <del>CSTP</del> ), 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, <del>2012</del> <a href="#">December 2019</a>
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, <del>2012</del> <a href="#">December 2019</a>
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual: <del>rev. September 2007</del> , <a href="#">2021</a>
Court Decision	Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing; (1993) 836 F.Supp. 1534
<a href="#">Nat'l Board for Prof. Teaching Stds. Publication</a>	<a href="#">Using Federal Funds for National Board Activities: An Action-Planning Guide</a>
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification; <del>2018</del>
<a href="#">Website</a>	<a href="#">California Department of Education, CA NBPTS Certification Incentive Program 2021-26 (https://www.cde.ca.gov/pd/ps/nbptsprogram.asp)</a>
Website	National Board Resource Center
Website	National Board for Professional Teaching Standards
Website	Commission on Teacher Credentialing
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only)
Website	CSBA
Website	U.S. Department of Education

## Cross References

Code	Description
0460	Local Control And Accountability Plan

0460	Local Control And Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
<del>1312.4-E PDF(1)</del>	<del>Williams Uniform Complaint Procedures</del>
<del>1312.4-E PDF(2)</del>	<del>Williams Uniform Complaint Procedures</del>
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112	Appointment And Conditions Of Employment
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.5	Criminal Record Check
4112.5-E (1)	Criminal Record Check
4112.6	Personnel Files
4113	Assignment
4113	Assignment
4114	Transfers
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4119.21	Professional Standards
4119.21-E (1)	Professional Standards
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4131.1	Teacher Support And Guidance
4131.1	Teacher Support And Guidance
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.3	Professional Leaves
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4212.5	Criminal Record Check
4212.5-E (1)	Criminal Record Check

4212.6	Personnel Files
4219.21	Professional Standards
4219.21-E (1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4312.5	Criminal Record Check
4312.5-E (1)	Criminal Record Check
4312.6	Personnel Files
4317.14	Postretirement Employment
4319.21	Professional Standards
4319.21-E (1)	Professional Standards
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.8	Family Care And Medical Leave
5145.6	Parental Notifications
5145.6-E (1)	Parental Notifications
5148	Child Care And Development
5148	Child Care And Development
<del>5148.3</del>	<del>Preschool/Early Childhood Education</del>
5148.3	Preschool/Early Childhood Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E (1)	Certificate Of Proficiency/High School Equivalency
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers



6164.2	Guidance/Counseling Services
6170.1	Transitional Kindergarten
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6183	Home And Hospital Instruction
6200	Adult Education
6200	Adult Education

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**Regulation 4161.8: Family Care And Medical Leave**

**Status:** ADOPTED

**Original Adopted Date:** 08/01/2013 | **Last Revised Date:** 03/06/01/2021 ~~2022~~ | **Last Reviewed Date:** 03/06/01/2018 ~~2022~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or ~~leave for pregnancy disability pursuant to California~~ to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

~~CSBA NOTE: Government Code 12945.2, as amended by SB 1383 (Ch. 86, Statutes of 2020), includes a child of a registered domestic partner in the definition of "child" for purposes of CFRA leave.~~

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

~~CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.~~

*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

~~Parent~~ However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

CSBA NOTE: For purposes of CFRA leave, Government Code 12945.2, as amended by SB 1383, includes an employee's grandparent, grandchild, sibling, and registered domestic partner with a serious health condition as one for whom an employee may take family care and medical leave.

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
  - a. A period of incapacity of more than three consecutive full days
  - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
  - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
  - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. ~~To~~The care for the employee's of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform ~~one or more essential~~the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2, ~~as amended by SB 1383~~, provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. ~~Any~~A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. ~~To~~The care for of a covered servicemember with a serious injury or illness if when the covered ~~servicemember~~employee is the employee's a spouse, child, parent, or next of kin, ~~as defined~~ of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

### Terms of Leave

CSBA NOTE: ~~Leaves~~ Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would be ~~12 work weeks. However, when they do not run concurrently, an employee may be eligible for up to 12 work weeks under both CFRA and FMLA, for a total of 24 work weeks.~~ not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. ~~In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks.~~ (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

~~This~~ The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

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CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code

12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

~~CSBA NOTE: Government Code 12945.6, which limited the amount of leave related to the birth or placement of a child to a combined total of 12 work weeks when both parents work for the district, was repealed by SB 1383, thereby allowing both parents to take up to 12 work weeks of leave for this purpose.~~ **CSBA NOTE:** Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

**CSBA NOTE:** The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

**During any** otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

**[Redacted]**

**CSBA NOTE:** The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

**CSBA NOTE:** Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a

request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### **Request for Leave**

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)



The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
  - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third

health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### **Release to Return to Work**

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the

employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

### **Rights to Reinstatement**

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous. As amended by SB 1383, Government Code 12945.2 eliminates the district's authority to deny reinstatement of a "key employee" in certain situations.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, ~~as amended by SB 1383~~, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country ~~or and~~, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources' "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's ["Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers,"](#) if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is ~~not in addition to, but rather is inclusive of,~~ the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

CSBA NOTE: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "child," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, ~~one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to~~will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "[Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers](#)," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the ~~FEHA~~ Fair Employment and Housing Act/PDL and FMLA/CFRA and ~~employee~~ employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item ~~#3b~~ 4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid



leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, ~~he/she~~the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of ~~family care and medical~~FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

2 CCR 11035-11051

**Description**

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions

2 CCR 11087-~~11097~~[11098](#)

California Family Rights Act

Ed. Code 44965

Granting of leaves of absence for pregnancy and childbirth

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners

Fam. Code 300

Definition of marriage

Gov. Code 12926

Definitions

Gov. Code 12940

Unlawful discriminatory employment practices

Gov. Code 12945

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

Gov. Code 12945.1-12945.2

California Family Rights Act

[Gov. Code 12945.6](#)

[Parental leave](#)

Gov. Code 12946

Fair employment and Housing Act: discrimination prohibited

~~Unemployment Insurance Code 3300-3308~~

~~Paid family leave~~

**Federal**

**Description**

1 USC 7

Definition of marriage, [and](#) spouse

29 CFR 825.100-825.702

Family and Medical Leave Act of 1993

29 USC 2601-2654

Family Care and Medical Leave Act

42 USC 2000ff-2000ff-11

Genetic Information Nondiscrimination Act of 2008

**Management Resources**

**Description**

~~CA Dept of HR Publication~~

~~Questions and Answers - Military Family Leave - FMLA~~

~~Court Decision~~

~~Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864~~

~~Court Decision~~

~~Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045~~

~~Court Decision~~

~~United States v. Windsor; (2013) 699 F.3d 169~~

~~U.S. Department of Labor Publication~~

~~[Military Family Leave Provisions of the FMLA](#) Frequently Asked Questions [and Answers](#)~~

~~U.S. Department of Labor Publications~~

~~Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F~~

~~Website~~

~~California Department of Human Resources~~

Website

U.S. Department of Labor, FMLA

Website

California Department of Fair Employment and Housing

## Cross References

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E-(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
<del>4161.9</del>	<del>Catastrophic Leave Program</del>
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E-(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment

4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E-(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

**Regulation 4261.8: Family Care And Medical Leave**

**Status:** ADOPTED

**Original Adopted Date:** 08/01/2013 | **Last Revised Date:** 03/06/01/2021 ~~2022~~ | **Last Reviewed Date:** 03/06/01/2018 ~~2022~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or ~~leave for pregnancy disability pursuant to California~~ to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

~~CSBA NOTE: Government Code 12945.2, as amended by SB 1383 (Ch. 86, Statutes of 2020), includes a child of a registered domestic partner in the definition of "child" for purposes of CFRA leave.~~

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

~~CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.~~

*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

~~Parent~~ However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

CSBA NOTE: For purposes of CFRA leave, Government Code 12945.2, as amended by SB 1383, includes an employee's grandparent, grandchild, sibling, and registered domestic partner with a serious health condition as one for whom an employee may take family care and medical leave.

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
  - a. A period of incapacity of more than three consecutive full days
  - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
  - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
  - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To The care for the employee's of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform ~~one or more essential~~ the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2, ~~as amended by SB 1383~~, provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. ~~Any~~ A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. To The care for of a covered servicemember with a serious injury or illness if when the covered ~~servicemember~~ employee is the employee's a spouse, child, parent, or next of kin, ~~as defined~~ of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

### Terms of Leave

CSBA NOTE: ~~Leaves~~ Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would be ~~12 work weeks. However, when they do not run concurrently, an employee may be eligible for up to 12 work weeks under both CFRA and FMLA, for a total of 24 work weeks.~~ not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. ~~In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks.~~ (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

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~~This~~ The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

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CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code



12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

~~CSBA NOTE: Government Code 12945.6, which limited the amount of leave related to the birth or placement of a child to a combined total of 12 work weeks when both parents work for the district, was repealed by SB 1383, thereby allowing both parents to take up to 12 work weeks of leave for this purpose.~~ **CSBA NOTE:** Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

**CSBA NOTE:** The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

**During any** otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

**CSBA NOTE:** The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

**CSBA NOTE:** Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a

request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### **Request for Leave**

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
  - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third

health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### **Release to Return to Work**

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the

employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

## **Rights to Reinstatement**

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous. As amended by SB 1383, Government Code 12945.2 eliminates the district's authority to deny reinstatement of a "key employee" in certain situations.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

## **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

## **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, ~~as amended by SB 1383~~, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country ~~or and~~, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources' "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's ["Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers,"](#) if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is ~~not in addition to, but rather is inclusive of,~~ the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)



1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

CSBA NOTE: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "child," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, ~~one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to~~will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the ~~FEHA~~ Fair Employment and Housing Act/PDL and FMLA/CFRA and ~~employee~~ employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item ~~#3b~~ 4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid

leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, ~~he/she~~ the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of ~~family care and medical~~ FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

2 CCR 11035-11051

**Description**

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions

2 CCR 11087-~~11097~~[11098](#)

California Family Rights Act

Ed. Code 44965

Granting of leaves of absence for pregnancy and childbirth

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners

Fam. Code 300

Definition of marriage

Gov. Code 12926

Definitions

Gov. Code 12940

Unlawful discriminatory employment practices

Gov. Code 12945

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

Gov. Code 12945.1-12945.2

California Family Rights Act

[Gov. Code 12945.6](#)

[Parental leave](#)

Gov. Code 12946

Fair employment and Housing Act: discrimination prohibited

~~Unemployment Insurance Code 3300-3308~~

~~Paid family leave~~

**Federal**

**Description**

1 USC 7

Definition of marriage, [and](#) spouse

29 CFR 825.100-825.702

Family and Medical Leave Act of 1993

29 USC 2601-2654

Family Care and Medical Leave Act

42 USC 2000ff-2000ff-11

Genetic Information Nondiscrimination Act of 2008

**Management Resources**

**Description**

~~CA Dept of HR Publication~~

~~Questions and Answers - Military Family Leave - FMLA~~

~~Court Decision~~

~~Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864~~

~~Court Decision~~

~~Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045~~

~~Court Decision~~

~~United States v. Windsor; (2013) 699 F.3d 169~~

~~U.S. Department of Labor Publication~~

~~[Military Family Leave Provisions of the FMLA](#) Frequently Asked Questions [and Answers](#)~~

~~U.S. Department of Labor Publications~~

~~Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F~~

~~Website~~

~~California Department of Human Resources~~

Website

U.S. Department of Labor, FMLA

Website

California Department of Fair Employment and Housing

## Cross References

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E-(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
<del>4161.9</del>	<del>Catastrophic Leave Program</del>
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E-(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment

4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

**Regulation 4361.8: Family Care And Medical Leave**

**Status:** ADOPTED

**Original Adopted Date:** 08/01/2013 | **Last Revised Date:** 03/06/01/2021 ~~2022~~ | **Last Reviewed Date:** 03/06/01/2018 ~~2022~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or ~~leave for pregnancy disability pursuant to California~~ to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

~~CSBA NOTE: Government Code 12945.2, as amended by SB 1383 (Ch. 86, Statutes of 2020), includes a child of a registered domestic partner in the definition of "child" for purposes of CFRA leave.~~

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

~~CSBA NOTE: Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of CFRA leave.~~



*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

~~Parent~~ However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

CSBA NOTE: For purposes of CFRA leave, Government Code 12945.2, as amended by SB 1383, includes an employee's grandparent, grandchild, sibling, and registered domestic partner with a serious health condition as one for whom an employee may take family care and medical leave.

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
  - a. A period of incapacity of more than three consecutive full days
  - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
  - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
  - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To The care for the employee's of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform ~~one or more essential~~ the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2, ~~as amended by SB 1383~~, provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. ~~Any~~ A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. To The care for of a covered servicemember with a serious injury or illness if when the covered ~~servicemember~~ employee is the employee's a spouse, child, parent, or next of kin, ~~as defined~~ of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

### Terms of Leave

CSBA NOTE: ~~Leaves~~ Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would be ~~12 work weeks. However, when they do not run concurrently, an employee may be eligible for up to 12 work weeks under both CFRA and FMLA, for a total of 24 work weeks.~~ not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. ~~In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks.~~ (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

~~This~~ The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

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CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code

12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

~~CSBA NOTE: Government Code 12945.6, which limited the amount of leave related to the birth or placement of a child to a combined total of 12 work weeks when both parents work for the district, was repealed by SB 1383, thereby allowing both parents to take up to 12 work weeks of leave for this purpose.~~ **CSBA NOTE:** Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

**CSBA NOTE:** The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

**During any** otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

**[Redacted]**

**CSBA NOTE:** The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

**CSBA NOTE:** Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a

request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### **Request for Leave**

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
  - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third

health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### **Release to Return to Work**

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the



employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

### **Rights to Reinstatement**

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous. As amended by SB 1383, Government Code 12945.2 eliminates the district's authority to deny reinstatement of a "key employee" in certain situations.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, ~~as amended by SB 1383~~, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country ~~or and~~, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources' "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's ["Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers,"](#) if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is ~~not in addition to, but rather is inclusive of,~~ the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

CSBA NOTE: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "child," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, ~~one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to~~will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "[Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers](#)," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the ~~FEHA~~ Fair Employment and Housing Act/PDL and FMLA/CFRA and ~~employee~~ employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item ~~#3b~~ 4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid

leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, ~~he/she~~ the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of ~~family care and medical~~ FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

2 CCR 11035-11051

**Description**

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions

2 CCR 11087-~~11097~~[11098](#)

California Family Rights Act

Ed. Code 44965

Granting of leaves of absence for pregnancy and childbirth

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners

Fam. Code 300

Definition of marriage

Gov. Code 12926

Definitions

Gov. Code 12940

Unlawful discriminatory employment practices

Gov. Code 12945

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

Gov. Code 12945.1-12945.2

California Family Rights Act

[Gov. Code 12945.6](#)

[Parental leave](#)

Gov. Code 12946

Fair employment and Housing Act: discrimination prohibited

~~Unemployment Insurance Code 3300-3308~~

~~Paid family leave~~

**Federal**

**Description**

1 USC 7

Definition of marriage, [and](#) spouse

29 CFR 825.100-825.702

Family and Medical Leave Act of 1993

29 USC 2601-2654

Family Care and Medical Leave Act

42 USC 2000ff-2000ff-11

Genetic Information Nondiscrimination Act of 2008

**Management Resources**

**Description**

~~CA Dept of HR Publication~~

~~Questions and Answers - Military Family Leave - FMLA~~

~~Court Decision~~

~~Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864~~

~~Court Decision~~

~~Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045~~

~~Court Decision~~

~~United States v. Windsor; (2013) 699 F.3d 169~~

~~U.S. Department of Labor Publication~~

~~[Military Family Leave Provisions of the FMLA](#) Frequently Asked Questions [and Answers](#)~~

~~U.S. Department of Labor Publications~~

~~Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F~~

~~Website~~

~~California Department of Human Resources~~



Website

U.S. Department of Labor, FMLA

Website

California Department of Fair Employment and Housing

## Cross References

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E-(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
<del>4161.9</del>	<del>Catastrophic Leave Program</del>
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E-(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment

4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

**Regulation 6173.1: Education For Foster Youth**

**Status:** ADOPTED

**Original Adopted Date:** 12/01/2013 | **Last Revised Date:** ~~10/06/01/2017~~-2022 | **Last Reviewed Date:** ~~10/06/01/2017~~2022

**Definitions**

CSBA NOTE: Pursuant to Education Code 48853.5, as amended by AB 1055 (Ch. 287, Statutes of 2021), "foster youth" has the same meaning as the term is defined in Education Code 42238.01, as amended by AB 167 (Ch. 252, Statutes of 2021). See Items #4 and 5 below.

*Foster youth, foster child, or student in foster care* means ~~any of the following:~~ (Education Code 42238.01, 48853.5)

1. A child who ~~has been removed from his/her home~~ is the subject of a petition filed pursuant to Welfare and Institutions Code ~~309,300,~~ whether or not the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
2. A child who is the subject of a petition filed under ~~Welfare and Institutions Code 300 or 602,~~ or has been removed from his/her home and is the subject of a petition filed under pursuant to Welfare and Institutions Code ~~300 or 602~~ or is a 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 727, and is in foster care as defined by Welfare and Institutions Code 727.4(d).
3. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)
4. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law
5. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400

CSBA NOTE: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student.

*Person holding the right to make educational decisions* means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

*School of origin* means the school that the foster youth attended when permanently housed or the school in which ~~he/she~~ the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which ~~he/she~~ the foster youth was last enrolled, or if there is another school that the foster youth attended within the preceding 15 months and with which the foster youth is connected, the district liaison for foster youth shall determine, in the best interests of the foster youth, which school ~~is~~ shall be deemed the school of origin. This determination shall be made in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, ~~and shall be based on the best interests of the foster youth.~~ (Education Code 48853.5)

CSBA NOTE: Education Code 48850 expresses the legislative intent that the "best interests" of a foster youth include educational stability as well as placement in the least restrictive educational program, as provided below.

In addition, pursuant to 20 USC 6311, determination of a student's "best interest" requires consideration of all factors relating to the student's best interest, including the appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of placement.

*Best interest* interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 20 USC 6311)

### District Liaison

CSBA NOTE: Pursuant to Education Code 48853.5, districts are required to designate a staff person as the educational liaison for foster youth. ~~This~~ The person may be the same individual designated as the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. In addition, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below.

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Social Worker

445 Montezuma Street, Rio Vista, CA 94571

(707) 374-1729

\_\_jchen@rdusd.org

(email)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

CSBA NOTE: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see the section below entitled "Transfer of Coursework and Credits."

- ~~1.~~ 2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

~~2.~~ 3.

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

CSBA NOTE: Pursuant to Education Code 48853.5, 48911, 48915.5, and 48918.1, the district liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process.

- ~~2.4.~~ When required by law, notify the ~~Notify a~~ foster youth's attorney and the representative of the appropriate county child welfare agency, when ~~the~~ required by law for a foster youth who is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination for a foster youth who is a student with a disability, prior to a change in the foster youth's placement ~~when he/she is a student with a disability~~. (Education Code 48853.5, 48911, 48915.5, 48918.1)

CSBA NOTE: Items #4-8 below are optional and should be modified to reflect district practice.

- ~~3.5.~~ As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973
- ~~4.6.~~ As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services
- ~~5.7.~~ Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

CSBA NOTE: Optional item #7 establishes the responsibility of the district liaison to collaborate with other local agencies to coordinate services for foster youth.

Education Code 42920.5-42921 establish the Foster Youth Services Coordinating Program and provide funding for a county office of education or consortium of county offices of education to coordinate educational support for foster youth among the districts within their jurisdiction. As part of the program, such county offices must develop and implement a coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care students. To the extent possible, such a plan must include, but is not limited to, a description of how the program will establish ongoing collaboration among local educational agencies, county child welfare agencies, and county probation departments to determine the proper educational placement of foster youth. In addition, pursuant to Education Code 42921, if a district annually certifies in writing that it is unable, using any other state, federal, local, or private funds, to provide tutoring, mentoring, and counseling for foster youth, it may enter into a temporary agreement with the foster youth services coordinating program to provide those services, if the program has established such services.

- ~~6.8.~~ Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for the district's foster youth

CSBA NOTE: The following optional item facilitates the annual update of the local control and accountability plan required pursuant to Education Code 52060; see BP/AR 0460 - Local Control and Accountability Plan.

- ~~7.9.~~ Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

**CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice.**

The Superintendent or designee shall regularly monitor the liaison's caseload ~~of the liaison~~, as well as his/her additional duties outside of the foster youth program, to ~~determine whether~~ ensure that adequate time and resources are available provided to meet the needs of foster youth in the district.

## Enrollment

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.

CSBA NOTE: Pursuant to Education Code 48853, a district is required to educate foster youth in the least restrictive environment necessary for their educational achievement. However, a district may be discharged from this obligation when the parent/guardian or other person holding the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below.

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best ~~interest~~ interests of the student to be placed in another education program and submits a written statement to the district indicating that determination and ~~that he/she is aware~~ an awareness of the following:
  - a. The student has a right to attend a regular public school in the least restrictive environment.
  - b. The alternate education program is a special education program, if applicable.
  - c. The decision to unilaterally remove the student from the district school and to place ~~him/her~~ the student in an alternate education program may not be financed by the district.
  - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

CSBA NOTE: Pursuant to Education Code 48853.5, the education of a foster youth may continue ~~his/her education~~ in the school of origin under the circumstances stated below. Elementary and high school districts should delete any item (#3b or c) that is not applicable to the grade levels served by the district.

3. At the initial placement or any subsequent change in placement, the student exercises his/her the right to continue in his/her the school of origin, as defined above. In any such circumstance, the following shall apply:
  - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
  - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her the school of origin for the remainder of the school year.

- c. -If the court's jurisdiction is terminated while the student is in high school, the student may continue in ~~his/her~~the school of origin until he/she graduates through graduation.
- d. If the student is transitioning between school grade levels, ~~he/she~~the student shall be allowed to continue in the district of origin in the same attendance area to provide ~~him/her~~the student the benefit of matriculating with ~~his/her~~the student's peers in accordance with the established feeder patterns of school districts in the district. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

**The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)**

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and ~~he/she~~the foster youth be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from ~~his/her~~the school of origin, the liaison shall provide the foster youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5) (~~Education Code 48853.5~~)

CSBA NOTE: Pursuant to Education Code 48853.5, a district is required to immediately enroll any foster youth transferring into the district even when the foster youth has outstanding fees or fines due to the last school attended or the district has not received the foster youth's academic and medical records, as listed in ~~items~~Items #1-3 below. However, pursuant to Health and Safety Code 120341, if a district does not receive a foster youth's immunization records prior to ~~enrolling him/her~~enrollment, the district must take steps, after the foster youth is enrolled, to obtain ~~his/her~~the immunization records or ensure that ~~he/she~~the foster youth is properly immunized. See BP/AR 5141.31 - Immunizations.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the foster youth would be served by ~~his/her~~a transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. ~~The, regardless of whether the~~ foster youth ~~shall be immediately enrolled even if he/she:~~ (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

CSBA NOTE: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, then the district shall use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice.

If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, ~~he/she may an~~ appeal to may be filed with the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the ~~parent/guardian or~~ foster youth or the person holding the right to make educational decisions for the foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The

Board's decision shall be final.

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the foster youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

## Transportation

CSBA NOTE: Pursuant to Education Code 48853.5, a district may, but is not required to, provide transportation to enable a foster youth to attend a school or school district of origin, except when it is otherwise required by federal law or pursuant to the individualized education program of a student with a disability. In accordance with 20 USC 6312, ~~as amended by the Every Student Succeeds Act (P.L. 114-95)~~, districts are mandated to collaborate with the local child welfare agency to develop clear written procedures governing how transportation will be provided, arranged, and funded to enable foster youth to attend their school of origin, when it is in their best interest to do so. The local child welfare agency may reimburse the district for any additional costs of such transportation, or the district may agree to pay for or share the costs with the child welfare agency. The following section may be revised to reflect the procedures established in collaboration with the child welfare agency, or such procedures may be incorporated into a memorandum of understanding or other document.

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable a foster youth to remain in ~~their~~the school of origin, for the duration of ~~their~~the time spent in foster care, when it is in ~~their~~the foster youth's best interest to do so. Such transportation costs may be paid by either the child welfare agency or the district, or shared by both. (20 USC 6312)

## Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the ~~student's~~ grades shall be calculated as of the date ~~he/she~~the student left school
2. A verified court appearance or related court-ordered activity

## Transfer of Coursework and Credits

CSBA NOTE: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework and credits completed by foster youth, as provided below.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the ~~foster youth did not complete the entire course, he/she~~ was not completed at the previous school, the foster youth shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course ~~that he/she did not complete at his/her previous school.~~

However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, ~~he/she~~the foster youth shall be enrolled



in the same or equivalent course, if applicable, so that he/she may continue and complete to enable the completion of the entire course. (Education Code 51225.2)

CSBA NOTE: Although Education Code 51225.2 requires districts to award partial credits to foster youth who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council (CCWC), in its "Partial Credit Model Policy and Practice Recommendations," available on its web site, recommends the approach specified in the following optional paragraph, which may be revised to reflect district practice.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

### **Applicability of Graduation Requirements**

CSBA NOTE: The following section is for use by districts maintaining high schools. Also see BP 6146.1 - High School Graduation Requirements.

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Board.

However, when a foster youth who has completed his/her the second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she the foster youth shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her the fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in his/her the third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her the foster youth for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her the foster youth how any requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no shall not grant any request for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth for a transfer solely to qualify the foster youth for an exemption. (Education Code 51225.1)

If a foster youth is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while ~~he/she is~~ still enrolled in school or if ~~he/she~~ the foster youth transfers to another school or school district. (Education Code 51225.1)

Upon making a finding that a foster youth is reasonably able to complete district graduation requirements within ~~his/her~~ the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the foster youth and the person holding the right to make educational decisions for ~~him/her~~ of the foster youth's youth of the option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect ~~his/her~~ the foster youth's ability to gain admission to a postsecondary educational institution
2. Provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if ~~he/she is~~ under 18 years of age, the person holding the right to make educational decisions for ~~him/her~~ the foster youth, permit the foster youth to stay in school for a fifth year to complete the district's graduation requirements

### Eligibility for Extracurricular Activities

CSBA NOTE: Education Code 48850 provides that, when a foster youth's residence changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities.

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

### Notification and Complaints

CSBA NOTE: Education Code 48853, 49069.5, 51225.1, and 51225.2 require that the district's annual uniform complaint procedures notification include specified information regarding the educational rights of foster youth. See AR 1312.3 - Uniform Complaint Procedures for further information regarding this notification. Education Code 48853.5 requires the California Department of Education (CDE), in consultation with the California Foster Youth Education Task Force, to develop a standardized notice of the educational rights of foster youth and to post that notice on its web site.

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

CSBA NOTE: Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2 provide that complaints of noncompliance with specified requirements related to the education of foster youth may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to ~~the~~ CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 32228-32228.5	Student safety and violence prevention
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42920-42925	Foster children educational services
Ed. Code 48645-48646	Juvenile court schools
Ed. Code 48850-48859	Education of students in foster care and students who are homeless
Ed. Code 48915.5	Recommended expulsion; homeless student with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Student records; definitions
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster child's education
H&S Code 120341	Foster youth; school placement; <u>and</u> immunization records
H&S Code 1522.41	Training and certification of group home administrators
H&S Code 1529.2	Training of licensed foster parents
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel

W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court
W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court

### Federal

20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs

### Management Resources

	Description
Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council <a href="#">Publication</a>	Partial Credit Model Policy and Practice Recommendations
Cities, Counties and Schools Partnership <a href="#">Pub. Publication</a>	Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website	Alliance for Children's Rights
Website	Foster Ed
Website	National Center for Youth Law
Website	California Department of Education, Foster Youth Services
Website	California Department of Social Services, Foster Youth Ombudsman Office
Website	California Foster Youth Education Task Force
Website	California Youth Connection
Website	Cities, Counties and Schools Partnership
Website	CSBA
Website	California Child Welfare Council

### Cross References

Code	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities

0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
3100	Budget
3100	Budget
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3540	Transportation
3541	Transportation Routes And Services
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4131	Staff Development
4231	Staff Development
4331	Staff Development
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment

5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E PDF(1)	Parental Notifications
5145.9	Hate-Motivated Behavior

5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
<del>6120</del>	<del><u>Response To Instruction And Intervention</u></del>
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
<del>6164.5</del>	<del><u>Student Success Teams</u></del>

<del>6164.5</del>	<u>Student Success Teams</u>
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E PDF(1)	Education For Homeless Children
6173-E PDF(2)	Education For Homeless Children
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program
9320	Meetings And Notices



Regulation 4151: Employee Compensation

Status: DRAFT

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## Teachers' Salary Schedule Policy

### General Provisions Pertaining to the Salary Schedule

1. In order to attract and retain highly qualified and competent instructional personnel, the Board shall annually adopt a salary schedule for the River Delta Unified School District.
2. Salary schedules are based on the theory that experience and training improve the teacher's competency and ability to deal more effectively with the process of educating the child. If the theory be true, then it should therefore be a logical premise that the higher, a teacher is placed on the salary schedule, the more able and effective the teacher would be in working with the more complicated and difficult problems of education.

### Placement on Salary Schedule

1. For placement on the salary schedule, it shall be the policy of the River Delta Unified School District that one increment step is given for each year of successful teaching experience.
2. The teaching experience shall have been a full year on a full time basis, and in the regular classes of the public schools and colleges and accredited or recognized (similar to accredited in structure and curriculum content, but has not gone through the accreditation process) private schools and colleges of the United States, and shall have been within five years of the date of application. Should there have been a break of more than five years since the last experience, the earlier experience ~~in in~~ in River Delta Unified School District will be accredited to the employee for placement on the salary schedule; non River Delta Unified School District earlier experiences shall not count for more than one increment credit for each two years of teaching (see "Advancement" for definition of a year).
3. Class or column placement, other than Class I, is dependent upon course work taken after the Bachelor's Degree is earned and the California credential has been received. The following shall be the criteria for placement.
  - a. Possess a regular credential
  - b. Semester hours of credits shall be used. Quarter hours shall be converted on a 2/3 basis (i.e., 1 quarter unit equals 2/3 semester unit).
  - c. The credits shall be pertinent to the teaching assignment, or to courses normally taught in the public schools of the State of California.
    - (1) They shall have upper division or graduate status.
    - (2) They shall be earned at an accredited college or university, or have been accepted at an accredited college or university, or have been accepted at an accredited college or university.
    - (3) The credits shall be pertinent to the teaching assignment, or to courses normally taught in the public schools of the State of California.
    - (4) If credential was not earned at the time of graduation, or course work was not designed to obtain a regular teaching credential at this time, then only those credits earned which would apply to the

obtaining of a regular teaching credential, and those which are pertinent to the teaching assignment would be acceptable.

(5) All credits earned after the conditions stated in item (4) above, and are pertinent to the teaching assignment, shall be acceptable.

(6) It must be recognized that all worthwhile experiences and training will have some value to the teaching assignment. Therefore, the term "pertinent" is used to identify definite or very closely related courses and experiences. Determination of this must be made by the Superintendent, with appeal possibilities to the Board.

d. Lower division credits may be acceptable if a prerequisite for graduate work is required for work that is related to the teacher's assignment. Approval must be by the Superintendent.

e. Lower division credits may be acceptable if the teacher, principal, and Superintendent agree that the desired course is for the improvement of the teacher's competence and effectiveness in the classroom.

f. A grade of "C" or better must have been earned.

4. One step on the salary schedule shall be allowed for two or more years of military or peace corp service, if at least one year was served outside of the continental limits of the United States.

#### Advancement

1. Step advancement is automatic with each year of satisfactory service. One increment step per year may be permitted.

a. Satisfactory service shall be defined as meeting the standards of the district.

b. Should a teacher receive a rating of not meeting the district, the Board shall be appraised of the deficiency, and that individual shall have no increase in salary increment until the evaluation indicates that he does meet the standards of the district.

c. A year shall be defined the same as in the Education Code for tenure purposes, which is 75% of the days of the regular school term. (Education Code 44908).

d. Employees may appeal decisions of this provision to the Board.

2. Step and class advancement will be at the beginning of each contractual year.

3. For each 15 semester credits earned and verified, as per "Placement item #2" above, the employee shall be advanced one class increment.

4. The following district procedure shall be followed:

a. Employee completes district form outlining courses completed.

b. District form shall be accompanied by grade card or transcript which shows credits earned and grade attained. (Unless credits have already been verified and recorded.)

#### Anniversary Increment

1. Certificated employees, placed on the teachers' salary schedule, may receive an anniversary increment on their 18 and 23 year of teaching service.

a. Creditable teaching service includes:

(1) Teaching service from other districts credits to the teacher at the time of employment for salary purposes.

(2) Teaching service in the River Delta Unified School District where the teacher was paid for 75% or more of the total teaching days in a given school year.

b. Other service is not applicable, i.e., military, etc.

2. Certificated employees eligible for the anniversary increment must have earned for each anniversary increment, four units of pre-approved university credit that apply directly to the teaching assignment.

a. Credits must be earned as follows:

(1) After the authorization and applicable original date of this policy. (July 1, 1973).

(2) Four units must be earned after the 13 credited year of teaching and before the 18 creditable year of teaching.

(3) Four units must be earned after the 18 creditable years of teaching and before the 23 creditable year of teaching service.

(4) If all requirements for the anniversary increment have not been met by the 18 or 23 year, the increment may be received any following year when all requirements have been completed.

(5) The increment is never retroactive and shall start the September after meeting the requirement.

b. Only one increment may be allowed in any given year.

c. Applicant must have tenure in the River Delta Unified School District.

3. Contracts are written after March 1st and will be based on the official information in the personnel file in the Office of the Superintendent as of that date. Contracts so prepared for the ensuing year shall be amended upon notification of proper course work taken during the year, and in summer session, and verified by September 10th, as per Board policy (Education Code section 44840).

4. The Board of Trustees of the River Delta Unified School District retains the right, during the school year, to increase the annual salary of persons employed by the district in positions requiring certification qualifications, as per Education Code section 45032.

5. Teachers misplaced on the salary schedule be placed on the proper step and class as soon as the error has been discovered, and proper adjustments in salary will be made. Teachers shall be notified of such error prior to the adjustment.

#### Guidelines for Anniversary Increments

1. Purpose of the anniversary increment is to assure a study program that will aid the teacher in his/her assigned program.

a. The study program should put the teacher back in the university as a learner.

b. The student program should require:

(1) Research

(2) In-depth reading on new developments, techniques, thinking, ideas, trends, etc.

(3) Evaluation and critical analysis of research, journal and text reading lectures and other media.

c. The study program should increase the scholarly excellence of the teacher.

(1) Conferences, clinics, workshops, etc., must be more comprehensive than just the promotion of technical excellence.

(2) District planning programs shall have an approval or no approval designation before the course is started.

2. Course work must apply directly to the teaching assignment. The principal shall certify to the assignment and need.

3. Individual professional growth records shall be evaluated in determining eligibility of courses requested.

a. Where shortages are indicated, new courses will be encouraged.

b. Where excess courses in a given field are noted, additional or similar courses will be discouraged.

c. Repeat courses will not be acceptable.

4. Request must be on a district prepared application form.

5. Course work must be completed and verified by September 10 to be applicable during that contract year.

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
8 CCR 11040	<a href="#">Wages and hours; definitions of administrative, executive, and professional employees</a>
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
Federal	Description
26 CFR 1.409A-1	Definitions and covered plans

26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements
Management Resources Court Decision	Description Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421
Office of Management and Budget Publication	Administrative Relief for Recipients & Applicants of Fed. Fin. Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020
Website	<a href="#">U.S. Department of Labor, Wage and Hour Division</a>
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">School Services of California, Inc.</a>
Website	<a href="#">CSBA</a>
Notice Unique Policy	Description This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

#### Cross References

Code	Description
0470	<a href="#">COVID-19 Mitigation Plan</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3400	<a href="#">Management Of District Assets/ Accounts</a>
3400	<a href="#">Management Of District Assets/ Accounts</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4000	<a href="#">Concepts And Roles</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4112.6	<a href="#">Personnel Files</a>

4113.5	<a href="#"><u>Working Remotely</u></a>
4121	<a href="#"><u>Temporary/ Substitute Personnel</u></a>
4121	<a href="#"><u>Temporary/ Substitute Personnel</u></a>
4140	<a href="#"><u>Bargaining Units</u></a>
4141	<a href="#"><u>Collective Bargaining Agreement</u></a>
4143	<a href="#"><u>Negotiations/ Consultation</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4212	<a href="#"><u>Appointment And Conditions Of Employment</u></a>
4212.6	<a href="#"><u>Personnel Files</u></a>
4213.5	<a href="#"><u>Working Remotely</u></a>
4240	<a href="#"><u>Bargaining Units</u></a>
4241	<a href="#"><u>Collective Bargaining Agreement</u></a>
4243	<a href="#"><u>Negotiations/ Consultation</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4312.1	<a href="#"><u>Contracts</u></a>
4312.6	<a href="#"><u>Personnel Files</u></a>
4313.5	<a href="#"><u>Working Remotely</u></a>
4340	<a href="#"><u>Bargaining Units</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Codi Agan, Director of Personnel

Item Number: 12

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

**SUBJECT:**

Request to Approve the Provisional Internship Permit as Authorized by the Commission on Teacher Credentialing for 2022-2023 school year

**BACKGROUND:**

Due to the unavailability of fully qualified and acceptable teaching candidates to teach for the 2022-2023 school year, RDUSD has had to assign teachers under the provision of a Provisional Internship Permit as authorized by the Commission on Teacher Credentialing.

**STATUS:**

Public posting, attached, was posted September 9, 2022 – September 13, 2022. Applicants have been prepared and are ready to be submitted to the commission on Teacher Credentialing for, Isaac Coleman Rio Vista High.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

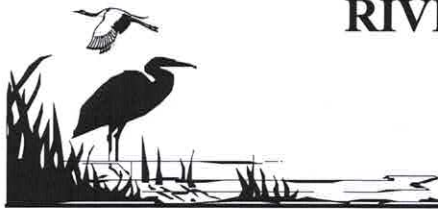
Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the Provisional Internship Permit Request for Isaac Coleman

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>

## PUBLIC NOTICE

### **INTENT TO REQUEST A PROVISIONAL INTERNSHIP PERMIT (PIP) FROM THE COMMISSION ON TEACHER CREDENTIALING**

I, Katherine Wright, Superintendent for River Delta Unified School District do hereby declare that a need has been shown that the district is currently unable to recruit fully qualified and acceptable teaching candidates. Therefore, it is my intent to employ the following people under the provisions of a Provisional Internship Permit as authorized by the California Commission on Teacher Credentialing.

Isaac Coleman

Rio Vista High School

Single Subject Credential Science

As required by law, this notice will be posted in a public place for a minimum of Seventy-two (72) hours. The period of this posting shall commence on Friday, September 9, 2022, at 5:00 p.m. and will end on Tuesday, September 13, 2022, at 5:00 p.m.

Any person having an objection to the use of a Provisional Internship Permit for the filing of the above-mentioned teaching positions shall submit such objection in writing to Superintendent, Katherine Wright, 445 Montezuma Street, Rio Vista, CA 94571.

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

8/25/22

Dated

  
Katherine Wright  
Superintendent

## **PLEASE POST**

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*

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

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

Wind River School  
Mokelumne High School





# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street

Rio Vista, California 94571-1651

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

<http://riverdelta.org>

## AVISO PUBLICO

### **INTENCION DE SOLICITAR UN PERMISO DE PASANTIA PROVISIONAL (PIP) DE LA COMISION DE CREDENCIALIZACION DE MAESTROS**

Yo, Katherine Wright, Superintendente del Distrito Escolar Unificado River Delta declaro por lo presente que se ha demostrado la necesidad de que el distrito actualmente no puede reclutar candidatos docentes aceptables y completamente calificados. Por lo tanto, tengo la intención de emplear a las personas siguientes bajo las provisiones de un Permiso de Pasantía Provisional (PIP) como se autoriza por la Comisión de Acreditación de Maestros de California.

Isaac Coleman

Escuela Secundaria Rio Vista

Credencial de una sola materia Ciencias

Según lo exige la ley, este aviso se publicará en un lugar público durante un mínimo de setenta y dos (72) horas. El periodo de esta publicación comenzara el viernes, 9 de septiembre del 2022 a las 5:00 pm y terminara el martes, 13 de septiembre del 2022, a las 5:00 pm.

Cualquier persona que tenga una objeción a un Permiso de Pasantía Provisional para la presentación de los puestos docentes mencionados anteriormente deberá presentar dicha objeción por escrito a la Superintendente, Katherine Wright, 445 Montezuma Street, Rio Vista, CA 94571.

**NOTA:** La Junta Directiva alienta a las personas discapacitadas para participar plenamente en el proceso de la reunión pública. Si necesita una modificación o adaptación relacionada con una discapacidad, incluidos servicios o ayudas auxiliares, para participar en la reunión pública, comuníquese con la oficina de la Superintendente al (707) 374-1711 por lo menos 48 horas antes de la reunión programada para que podamos hacer los esfuerzos razonables para complacerle. [Código de Gobierno § 54954.2; Ley de Estadounidenses con Discapacidades de 1990, § 202 (42 U.S.C. §12132).]

8/25/22

Fecha

Katherine Wright  
Superintendente

## **POR FAVOR PUBLICAR**

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*

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

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

Wind River School  
Mokelumne High School

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments:   X  

From: Nancy Vielhauer, Assistant Superintendent of Educational Services   Item Number:   13  

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

**SUBJECT:**

Request to Hold a Public Hearing on the Sufficiency of Textbooks and Instructional Materials and to Approve Resolution #837 on the Sufficiency of Textbooks and Instructional Materials as per Education Code Section 60199 and 5 CCR 9531 for 2022-2023 School Year

**BACKGROUND:**

In order to be eligible to receive instructional materials funds, the governing board of each district and county office of education is required to hold an annual public hearing and adopt a resolution stating whether each pupil in the district has sufficient textbooks or instructional materials in specified subjects (Math, English Language Arts, Science, History-Social Science, Science Lab Equipment) that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks adopted by the State Board.

**STATUS:**

Every school in the River Delta Unified School District has been sent a "sufficiency of instructional materials" survey as part of the District's compliance procedures. All of the District's schools have notified the District Office that there are sufficient instructional materials for every student as outlined in Education Code 60119 and 5 CCR 9531.

The resolution must be passed by roll call vote.

**PRESENTER:** Nancy Vielhauer, Assistant Superintendent of Educational Services

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

There is no cost to the District unless sufficiency is not reached.

**RECOMMENDATION:**

That the Board holds a Public Hearing on the Sufficiency of Textbooks and Instructional Materials and that they approve Resolution #837 on the Sufficiency of Textbooks and Instructional Materials as per Education Code Section 60119 and 5 CCR 9531 for the 2022-2023 school year.

Time allocated: 3 minutes



# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street

Rio Vista, California 94571-1651

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

<http://riverdelta.org>

## NOTICE OF PUBLIC HEARING

and School Board Meeting

September 13, 2022

at 6:30 p.m. at the

*Walnut Grove Elementary School*

California Education Code 60119 requires that school districts, in order to receive instructional materials from any State source, in each fiscal year shall hold a public hearing regarding the sufficiency of instructional materials in the District. The Board, **following public input**, shall adopt a resolution regarding textbook sufficiency and execute a certification of compliance in accordance with California Education Code 60119 (and to comply with provisions of the *Williams Settlement*).

A public hearing on the sufficiency of instructional materials in the River Delta Unified School District is scheduled for hearing **after 6:30 p.m. on September 13, 2022**, during the regularly scheduled Board Meeting, at the **Walnut Grove Elementary School**, Walnut Grove, California. Interested members of the public are invited to address the Board on the issue. For further information or questions, please call Nancy Vielhauer at (707) 374-1729.

**REQUESTED TO BE POSTED:** District Office, School Sites and Rio Vista Library, Isleton Library, Walnut Grove Library, Courtland Library, Clarksburg Library.

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*  
Walnut Grove School  
D. H. White Elementary  
River Delta High/Elementary School  
Delta Elementary Charter School

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

Wind River School  
Mokelumne High School



# RIVER DELTA UNIFIED SCHOOL DISTRICT

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

## **AVISO DE LA AUDIENCIA PÚBLICA y de la reunión del Consejo de la escuela 13 septiembre, 2022 a las 6:30 p.m. en la *Escuela Primaria de Walnut Grove***

El Código de Educación 60119 requiere que para poder recibir materiales de instrucción de cualquier recurso del Estado, los distritos escolares tengan una junta pública tocante a la suficiencia de materiales de instrucción en el distrito. La Mesa Directiva siguiendo las sugerencias del público, adoptara una resolución tocante la suficiencia de libros textos y ejecutara una certificación de que han cumplido con el Código de Educación 60119 (y para cumplir con las provisiones del Acuerdo de Williams).

Una audiencia pública de suficiencia de materiales de instrucción en el Distrito Escolar de River Delta será después **de las 6:30 el 13 de Septiembre del 2022**, durante la junta regular de la Mesa Directiva, en la **Escuela Primaria de Walnut Grove**, Walnut Grove, California. Miembros del público que estén interesados son invitados a tratar este asunto con la Mesa Directiva. Para más información o preguntas, por favor llame a Nancy Vielhauer, al (707) 374-1729.

**REQUERIDO DE SER ANUNCIADO EN:** Oficina del Distrito, Escuelas y Biblioteca de Río Vista, Biblioteca de Isleton, Biblioteca de Walnut Grove, Biblioteca de Courtland, Biblioteca de Clarksburg.

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*  
Walnut Grove School  
D. H. White Elementary  
River Delta High/Elementary School  
Delta Elementary Charter School

Delta High School  
Rio Vista High School

River Delta Community Day School

Wind River School  
Mokelumne High School

**RIVER DELTA UNIFIED SCHOOL DISTRICT  
RESOLUTION #837**

**Resolution on Sufficiency of Textbooks and/or  
Instructional Materials  
For 2022-2023**

**Whereas**, the Board of Trustees of the River Delta Unified School District, in order to comply with the requirements of Education Code 60119, held a public hearing on September 13, 2022, at 6:30 o'clock in the evening (which is on or before the eighth week of school -- between the first day that students attend school and the end of the eighth week from that day-- 8/10/22 – 10/5/22) and which did not take place during or immediately following school hours, and;

**Whereas**, the Board provided at least 10 days' notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

**Whereas**, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

**Whereas**, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the River Delta Unified School District, and;

**Whereas**, the definition of "sufficient textbooks or instructional materials" means that each student, including English learners, has a textbook or instructional materials, or both, to use in class and to take home, and;

**Whereas** between the 2008-09 through the 2022-2023 fiscal years, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the River Delta Unified School District, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

**Whereas**, sufficient textbooks and instructional materials were provided to each student, including English learners, which are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

Mathematics

Science

History-Social Science

English/Language Arts, including the English language development component of an adopted program

**Whereas**, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes, and;

**Whereas**, laboratory science equipment was available for Science Laboratory classes offered in grades 9-12, inclusive;

NOW, THEREFORE, BE IT RESOLVED, that for the 2022-2023 school year, the River Delta Unified School District, has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

**PASSED AND ADOPTED** the 13<sup>th</sup> day of September, 2022 by the Board of Trustees of the River Delta Unified School District of Sacramento County, California, by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**IN WITNESS WHEREOF**, I, Marilyn Riley, Clerk of the Board of Trustees of the River Delta Unified School District of Sacramento County, California, certify that the foregoing is a full, true, and correct copy of Resolution No. 837 adopted by the said Board at a Regular Board meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

---

Marilyn Riley, Clerk  
Board of Trustees  
River Delta Unified School District

September 13, 2022  
(Date)



**RIVER DELTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 838**

**Resolution Adopting the 2021-22 Gann Appropriations Limit**

**WHEREAS**, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

**WHEREAS**, the provisions of that Article establish maximum appropriation limitations, commonly called “Gann Limits,” for public agencies, including school districts; and,

**WHEREAS**, the River Delta Unified School District must establish a revised Gann Limit for the 2020-21 fiscal year and a projected Gann Limit for the 2021-22 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the River Delta Unified School District does provide public notice that the attached calculations and documentation of the Gann Limits are made in accord with applicable constitutional and statutory law;

**BE IT FURTHER RESOLVED** that this Board of Trustees of the River Delta Unified School District does hereby declare that the appropriations in the Budget for the 2021-22 and 2022-23 fiscal years do not exceed the limitations imposed by Proposition 4;

**BE IT ALSO RESOLVED** that the Superintendent, or his/her designee, will provide copies of this resolution along with the appropriate attachments to interested citizens of the River Delta Unified School District.

**PASSED AND ADOPTED** the 13th day of September, 2022 by the Board of Trustees of the River Delta Unified School District of Sacramento County, California, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

**IN WITNESS WHEREOF**, I, Marilyn Riley, Clerk of the Board of Trustees of the River Delta Unified School District of Sacramento County, California, certify that the foregoing is a full, true, and correct copy of Resolution No. 838 adopted by the said Board at a Regular Business meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

---

Marilyn Riley, Clerk  
Board of Trustees  
River Delta Unified School District

September 13, 2022  
(Date)





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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Tammy Busch, Asst. Superintendent of Business Services

Item Number: 16.

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

**SUBJECT:**

Request to Approve the Proposals and Authorize HB&T Environmental Inc. to Provide Environmental Consulting Services for the Delta High School/Clarksburg Middle School Cafeteria Modernization, Walnut Grove Fire Alarm and Walnut Grove Window Projects

**BACKGROUND:**

On May 10, 2022, the Board approved proceeding with design for various projects including the Delta High School/Clarksburg Middle School Cafeteria Modernization, Walnut Grove Elementary School Window Replacement and Walnut Grove Fire Alarm Replacement. The approved preliminary master budgets included an allowance for hazardous materials consulting. A hazardous materials survey is required to determine if existing materials being disturbed are hazardous and need to be abated as part of the work.

**STATUS:**

RGM Kramer solicited proposals from several firms for this work and proposals were received from three firms. After a review of all proposals, RGM Kramer has determined that the proposal received from HB&T Environmental, Inc. offers the best value to the District. All of the proposals are based upon an assumed number of samples. The actual number will not be known until survey work is under way. Because the scope may increase based on existing conditions, RGM Kramer recommends adding a 25% contingency in the event additional scope of work is required. The proposals submitted by HB&T (including a 25% contingency) are within the approved project budgets. HB&T has previously provided services for the District and is familiar with the District's facilities. Should hazardous materials requiring abatement be discovered, we will obtain further proposals for Board approval for preparation of bid documents and construction monitoring services as required by OSHA regulations.

**PRESENTER:** Tammy Busch, Asst. Superintendent of Business Services and Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:** Maria Denney and Ralph Caputo, RGM Kramer

**COST AND FUNDING SOURCES:** Measure K not to exceed \$3,325 for Delta High School/Clarksburg Middle School Cafeteria Modernization Project. Measure K not to exceed \$2,250 for Walnut Grove Fire Alarm Project. Measure K not to exceed \$1,238 for Walnut Grove Window Replacement Project.

**RECOMMENDATION:** Staff recommends:

- (1) the Board accept HB&T proposal for DHS/CMS Cafeteria Modernization Project.
- (2) the Board accept HB&T proposal for Walnut Grove Fire Alarm Project.
- (3) the Board accept HB&T proposal for Walnut Grove Window Replacement Project.
- (4) The Board approve a 25% contingency for additional services as may be required.

Time allocated: 5 minutes

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**DHS Cafeteria Project**

	<b>Fee</b>	<b>Abestos Samples</b>	<b>Lead Samples</b>	<b>Total including 25% Contingency</b>
HBT	\$ 2,660.00	60	6	\$ 3,325
Terracon	\$ 4,330.00	65	15	
North Tower	\$ 8,880.00	80	10	

---

**Walnut Grove Fire Alarm  
Project**

	<b>Fee</b>	<b>Abestos Samples</b>	<b>Lead Samples</b>	<b>Total including 25% Contingency</b>
HBT	\$ 1,800.00	30	4	\$ 2,250
Terracon	\$ 3,497.00	50	6	
North Tower	\$ 8,715.00	65	5	

---

**Walnut Grove Windows  
Project**

	<b>Fee</b>	<b>Abestos Samples</b>	<b>Lead Samples</b>	<b>PCB Samples</b>	<b>Total including 25% Contingency</b>
HBT	\$ 990.00	3	4		\$ 1,238
Terracon	\$ 4,985.00	75	20		
North Tower	\$ 6,961.00	45	24	11	

Maria Denney, AIA  
Program and Project Management  
Oakland, CA

Date: August 5, 2022

**Subject: Asbestos Survey and Lead (Pb) Paint Survey**

**RE: RDUSD Delta HS/Clarksburg MS - Bldg D - Hazmat RFP**

Dear Maria,

HB & T Environmental Inc. is pleased to submit this proposal for your consideration. The scope of work for the above referenced location is as follows:

**SERVICES INCLUDE:**

- Inspection for suspect asbestos containing materials (ACM), Lead-Based Paint (LBP)
- Collection of samples of suspect approximately (60) ACM and (6) LBP.
- Laboratory analysis of suspect ACM samples by Polarized Light Microscopy (PLM) and 400 Point Count where required.
- Laboratory analysis of paint-chip samples by Flame AAS
- Laboratory analysis to be performed by an accredited independent laboratory.
- Preparation of survey findings reports.

**The proposed fee for the above listed services includes all Labor, Travel and Sample Analysis (Laboratory Fees of the initial layer top layer) for the estimated samples to be collected at a not to exceed Total of: \$ 2,660.00**

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

Timothy C. Hoppe  
Environmental Consultant  
CAC No 92-0106

Maria Denney, AIA  
Program and Project Management  
Oakland, CA

Date: August 5, 2022

**Subject: Asbestos Survey and Lead (Pb) Paint Survey**

**RE: RDUSD Walnut Grove ES - Fire Alarm - Hazmat RFP**

Dear Maria,

HB & T Environmental Inc. is pleased to submit this proposal for your consideration. The scope of work for the above referenced location is as follows:

**SERVICES INCLUDE:**

- Inspection for suspect asbestos containing materials (ACM), Lead-Based Paint (LBP)
- Collection of samples of suspect Approximately (30) ACM and (4) LBP.
- Laboratory analysis of suspect ACM samples by Polarized Light Microscopy (PLM) and 400 Point Count where required.
- Laboratory analysis of paint-chip samples by Flame AAS
- Laboratory analysis to be performed by an accredited independent laboratory.
- Preparation of survey findings reports.

**The proposed fee for the above listed services includes all Labor, Travel and Sample Analysis (Laboratory Fees of the initial layer top layer) for the estimated samples to be collected at a not to exceed Total of: \$ 1,800.00**

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

Timothy C. Hoppe  
Environmental Consultant  
CAC No 92-0106

Maria Denney, AIA  
Program and Project Management  
Oakland, CA

Date: August 5, 2022

**Subject: Asbestos Survey and Lead (Pb) Paint Survey**

**RE: RDUSD Walnut Grove ES - Window Replacement - Hazmat RFP**

Dear Maria,

HB & T Environmental Inc. is pleased to submit this proposal for your consideration. The scope of work for the above referenced location is as follows:

**SERVICES INCLUDE:**

- Inspection for suspect asbestos containing materials (ACM), Lead-Based Paint (LBP).
- Collection of samples of suspect approximately (3) ACM and (4) LBP.
- Laboratory analysis of suspect ACM samples by Polarized Light Microscopy (PLM) and 400 Point Count where required.
- Laboratory analysis of paint-chip samples by Flame AAS
- Laboratory analysis to be performed by an accredited independent laboratory.
- Preparation of survey findings reports.

**The proposed fee for the above listed services includes all Labor, Travel and Sample Analysis (Laboratory Fees of the initial layer top layer) for the estimated samples to be collected at an estimated Total of: \$ 990.00**

**The above estimated cost may change (increased or decreased) upon site conditions, quantities of samples taken, samples analyzed by the lab, lab turn-around time frames and or expended labor.**

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

Timothy C. Hoppe  
Environmental Consultant  
CAC No 92-0106

# BOARD OF TRUSTEES RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1561

## BOARD AGENDA BRIEFING

Meeting Date: September 13, 2022

Attachments: 4 \_\_\_\_\_

From: Tammy Busch, Asst. Superintendent of Business Services

Item Number: 17

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

**SUBJECT:** Request to Approve Electrical Upgrade Project for Delta High School and Clarksburg Middle School's Cafeteria

**BACKGROUND:** During the previous bond program, a new and upgraded PG&E electrical service was installed at Delta High School. As buildings were modernized and/or constructed, they were disconnected from the old service and connected to the new service. The intent was to eventually connect the entire campus to the new service and have the old service removed. However, at the time, funds were not available to complete the transfer to the new service. On May 10, 2022, the Board approved proceeding with design for the modernization of the Delta High School/Clarksburg Middle School Cafeteria. The modernization will require an upgrade to the electrical service to that building to accommodate added air conditioning loads. To do so will require either upgrading the old PG&E service or extending power from the new service to accommodate the cafeteria building. Extending the new service will also provide the opportunity to connect the remaining buildings on campus to the new service and have the old service removed.

**STATUS:** RGM Kramer has determined that the most cost effective means to complete an electrical upgrade is to add it to the Cafeteria Modernization project (as opposed to it being a stand alone project). Proposals have also been obtained for additional architectural services and additional construction management services for this work. RGM Kramer has also prepared an update to the preliminary master budget adding this work.

**PRESENTER:** Tammy Busch, Asst. Superintendent of Business Services and Katherine Wright, Superintendent

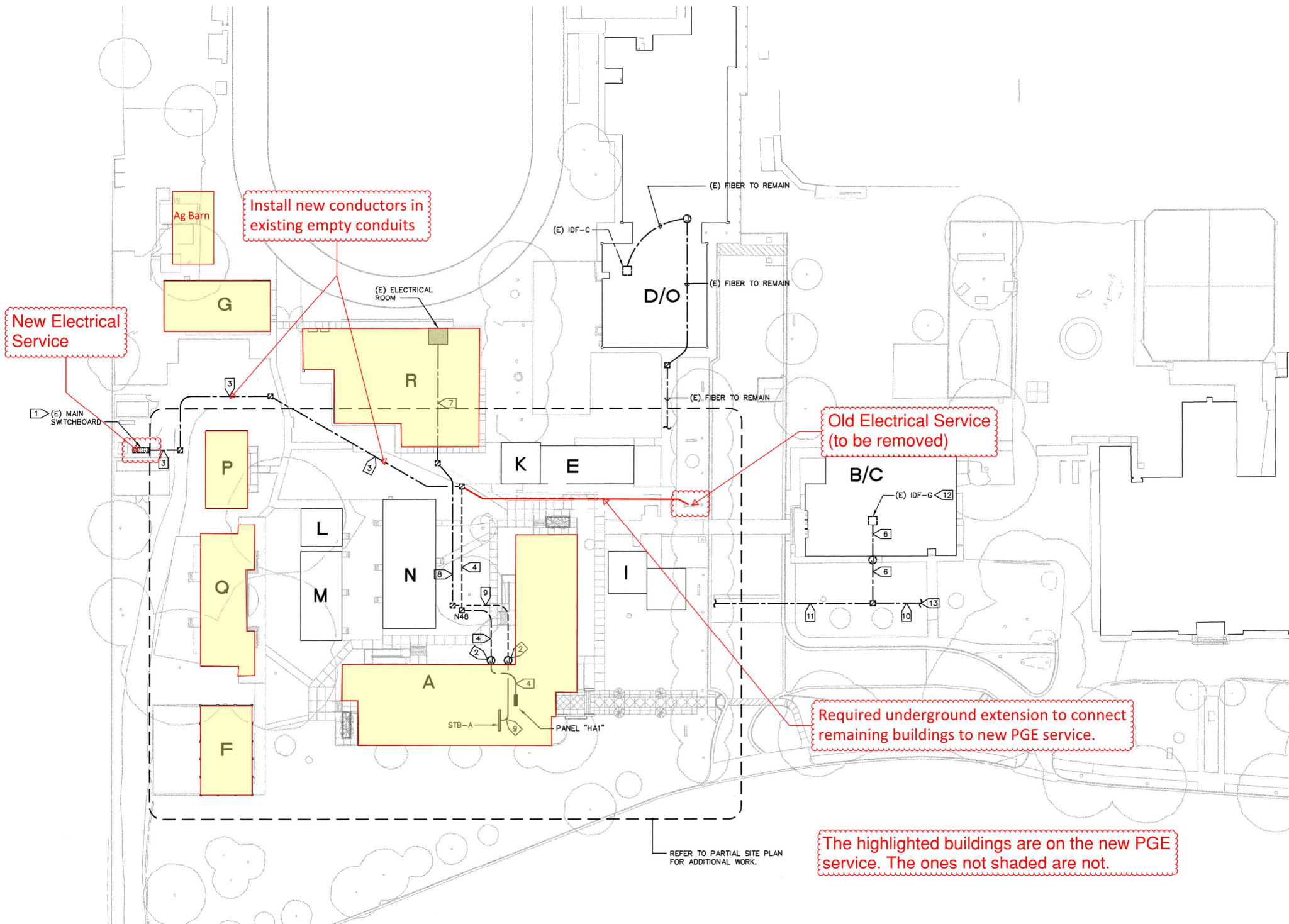
**OTHER PEOPLE WHO MIGHT BE PRESENT:** Maria Denney and Ralph Caputo, RGM Kramer

**COST AND FUNDING SOURCES:** Measure K not to exceed \$536,997.

**RECOMMENDATION:** Staff recommends:

1. The Board approve additional services to HKIT Architects in the amount of \$38,650.00.
2. The Board approve additional services to RGM Kramer in the amount of \$25,320.00.
3. The Board approve a scope increase for the project to include an upgrade to the electrical service and increase the preliminary master budget by \$536,997 for the scope increase.

Time allocated: 5 minutes



Install new conductors in existing empty conduits

New Electrical Service

Old Electrical Service (to be removed)

Required underground extension to connect remaining buildings to new PGE service.

The highlighted buildings are on the new PGE service. The ones not shaded are not.

REFER TO PARTIAL SITE PLAN FOR ADDITIONAL WORK.



August 19, 2022

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

Reference: River Delta Unified School District  
Delta/CMS Cafeteria Modernization  
HKIT Project #21041, Add Service #1

Dear Kathy:

HKIT is pleased to provide you with this fee proposal for additional electrical design services related to the Delta and Clarksburg Middle School Cafeteria Modernization. The scope includes upgrading the building electrical distribution panel and the campus's old main switchboard. The existing panel cannot support the new scope of work, which includes kitchen equipment and HVAC upgrades throughout the building.

The work will be done in conjunction with and as an add service to the Delta/CMS Cafeteria Modernization project which will be submitted to DSA at the end of the calendar year. Please refer to that proposal for more information. Currently the scope does not require a PGE application, therefore that is excluded from our work.

## **COMPENSATION**

We propose working on a Lump Sum Basis of thirty-eight thousand dollars six hundred fifty dollars and 00/100 (\$38,650) as noted below. Our consultants' proposals are attached.

<b>Architectural Services</b> (40 hrs. @ average billing rate of \$182.50)	\$7,300
<b>Consultant Team</b>	
Electrical Engineering (\$28,500 x 1.1)	\$31,350
<b>Total:</b>	<b>\$38,650</b>

HKIT ARCHITECTS



Jeff Evans, AIA, LEED AP BD+C  
Principal



Melissa Regan-Byers, AIA, LEED AP  
Senior Project Manager



## **AGREEMENT FOR ADDITIONAL SERVICES**

TO: **MELISSA REGAN-BYERS**  
FROM: **DANNY MCKEVITT**  
DATE: **AUGUST 10, 2022**  
PROJECT: **DELTA HS / CLARKSBURG MS CAFETERIA**  
SUBJECT: **AGREEMENT FOR ADDITIONAL SERVICES**  
TEE Project No. **22-116**

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The Engineering Enterprise proposes to provide additional electrical engineering services, above and beyond that of the original scope, as defined by this agreement. All terms and conditions of our original agreement for the above referenced project are applicable as if completely restated herein. The additional services are as described below:

### **1.0 SCOPE OF SERVICES:**

- 1.1 Upgrade electrical service at the existing Cafeteria Building. The existing building is currently fed at 120/208V, single-phase, 400A. Per our preliminary load calculations, the existing panel cannot support the new scope of work, which includes kitchen equipment and HVAC upgrades throughout the building.
- 1.2 Additional services have been divided into the following separate services:
  - A. Upgrade building distribution panel.
  - B. Upgrade existing (old) main switchboard.

### **2.0 ADDITIONAL UNDERSTANDINGS:**

- 2.1 Change order pricing review for work associated with this agreement is excluded.
- 2.2 Printing costs associated with the documents prepared under this agreement are excluded.
- 2.3 Materials and services provided by the Architect:
  - A. Informational and coordination prints of project architectural, structural, civil, landscape, mechanical, etc. drawings related to this change in scope.
  - B. Base floor plans and site plan(s) compatible with Revit/AutoCAD.
  - C. Detailed information on Owner furnished equipment to be installed or for which provisions are to be made under the electrical subcontract.
  - D. Reproduction of drawings and specifications for in-house distribution to the Architect's staff and record copies of construction documents for the consultant's use.

### **3.0 FEE AMOUNT:**

Services described under Section 1.0, Scope of Services, will be performed for the lump sum fee values as follows:

PROJECT PHASE	UPGRADE BUILDING PANEL	UPGRADE MAIN SWITCHBOARD	TOTAL FEE
Design Development Phase	\$3,000	\$4,500	\$7,500
Construction Document Phase	\$5,000	\$6,500	\$11,500
Agency Approval	\$500	\$1,000	\$1,500
Bidding Phase	\$500	\$500	\$1,000
Construction Administration Phase	\$3,000	\$4,000	\$7,000
<b>TOTAL FEE</b>	<b>\$12,000</b>	<b>\$16,500</b>	<b>\$28,500</b>

**4.0 RELEASE OF DOCUMENTS:**

- 4.1 The Engineering Enterprise will commence work on the above referenced additional service work upon receiving authorization by a Principal/Owner of your firm.
- 4.2 Authorization shall be receipt of this signed agreement or a change authorization initiated by Owner or Owner's representative.

**5.0 PAYMENT:**

- 5.1 Your firm is completely responsible for payment to The Engineering Enterprise for services rendered under this agreement.
- 5.2 Payment is due within thirty (30) days upon receipt of an invoice. Invoices will be submitted monthly.
- 5.3 Full payment shall be made upon completion of work described herein and shall not be withheld due to any other payment schedule.

Please acknowledge your concurrence with the foregoing by signing and returning one copy of this agreement for our records.

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

for HKIT  
Melissa Regan-Byers

By:  \_\_\_\_\_ Date: August 10, 2022

for The Engineering Enterprise  
Danny McKeitt, Principal



Program & Construction  
Management

August 22, 2022

Ms. Katherine Wright, Superintendent  
River Delta Unified School District  
445 Montezuma Street  
Rio Vista, CA 94571

Re: Delta High School & Clarksburg Middle School  
Cafeteria Modernization – Electrical Service Upgrade  
Construction Management Fee Increase Proposal

Dear Ms. Wright:

On May 10, 2022, the Board approved proceeding with design of the Delta High School Cafeteria Modernization project. It has now been determined that an upgrade to the electrical service is desirable and a proposal to increase the master budget to include an electrical upgrade is pending. As a result of this increase in scope, RGM Kramer proposes an increase in their fee as set forth below.

In accordance with the Agreement between the District and RGM Kramer, Inc., the following is our fee proposal for construction management services for the Delta High School & Clarksburg Middle School Cafeteria Modernization Project. As set forth in the Agreement, our fee will be a fixed amount based on a percentage of the construction cost. We estimate the construction cost for the project including the electrical service upgrade to be approximately \$2,422,000. The final fees will be adjusted based on the final construction cost. The services to be provided shall be as described in the Agreement for the phases described below.

Description	Estimated Constr. Cost*	%	CM Fee*
8% of first \$500,000	\$ 500,000	8.0%	\$ 40,000
7.5% of second \$500,000	\$ 500,000	7.5%	\$ 37,500
7% of next \$1,000,000	\$ 1,000,000	7.0%	\$ 70,000
6% of next \$4,000,000	\$ 422,000	6.0%	\$ 25,320
5% of next \$4,000,000	\$ -	5.0%	\$ -
4% over \$10,000,000	\$ -	4.0%	\$ -
Total:	\$ 2,422,000		\$ 172,820
Less Previously Approved Fee			\$ 147,500
Fee Increase			\$ 25,320

\*Fee to be adjusted based on final construction cost.

Corporate Office • 3230 Monument Way • Concord, CA 94518 • Phone: (925) 671-7717  
4020 Moorpark Avenue, Suite 220 • San Jose, CA 95117 • Phone: (408) 246-6327  
1101 College Avenue, Suite 215 • Santa Rosa, CA 95404 • Phone: (707) 575-9550

www.rgmkramer.com

Description	%	Fee
<b>CM Fee Breakdown by Phase:</b>		
Design	15.0%	\$ 25,923
Constructability Review & Estimating	10.0%	\$ 17,282
Plan Check, Bidding & Award	5.0%	\$ 8,641
Construction	65.0%	\$ 112,333
Occupancy & Close-Out	5.0%	\$ 8,641
Total	100.0%	\$ 172,820

RGMK will invoice the District monthly based on the percentage completion for each phase. In addition to the above fees, RGMK will invoice the District for any reimbursable expenses at cost plus 10% as provided for in the Agreement. We do not expect any significant reimbursable expenses and suggest a budget of \$1,500 for such expenses.

If satisfactory, please sign and return one copy for our records.

Respectfully Submitted,



Ralph Caputo, CEO  
**RGM Kramer, Inc.**

CC: Tammy Busch, RDUSD  
Ralph Caputo, RGM Kramer, Inc.  
Marlin Jones, RGM Kramer, Inc.  
Janice Betts, RGM Kramer, Inc.  
Shireen Harris, RGM Kramer, Inc.

Description: Cafeteria Modernization  
Buildings: 1  
Square Feet: 8,650

Preliminary  
 Pre Final  
 Final

	Approved Budget 4/22/2022	Electrical Service Upgrade 9/13/2022	Revised Total
<b>A. SITE</b>			
1 SITE ACQUISITION/APPRaisal/TITLE	\$ -		\$ -
2 SURVEY	\$ 10,000		\$ 10,000
3 SITE SUPPORT - BOND FEES	\$ -		\$ -
4 LEGAL FEES - Allowances	\$ 10,000		\$ 10,000
5 OTHER (EIR/Negative Declaration)	\$ -		\$ -
6 OTHER	\$ -		\$ -
<b>SITE SUBTOTAL</b>	<b>\$ 20,000</b>	<b>\$ -</b>	<b>20,000</b>
<b>B. PLANS</b>			
1 ARCHITECT'S FEE FOR PLANS	\$ 345,786	\$ 38,650	\$ 384,436
2 DSA FEES	\$ 24,800	\$ 3,545	\$ 28,345
DSA HOURLY FEES ALLOWANCE	\$ -		\$ -
4 HEALTH DEPARTMENT	\$ 5,000		\$ 5,000
5 ENERGY ANALYSIS FEES	\$ -		\$ -
6 DEPARTMENT OF EDUCATION - PLAN CHECK FEE	\$ -		\$ -
7 PRELIMINARY TESTS	\$ -		\$ -
A. SOILS	\$ -		\$ -
B. OPSC & YRE CONSULTANTS	\$ 2,500		\$ 2,500
C. BIDDING AND ADVERTISING	\$ 5,000		\$ 5,000
D. ENGINEERING/CONSULTING	\$ -		\$ -
E. HAZARDOUS MATERIAL SURVEY/SPECS	\$ -		\$ -
8 ADMINISTRATIVE COSTS	\$ -		\$ -
<b>PLANS SUBTOTAL</b>	<b>\$ 383,086</b>	<b>42,195</b>	<b>425,281</b>
<b>C. CONSTRUCTION</b>			
1 A. UTILITY SERVICE FEES	\$ -		\$ -
B. UTILITY SERVICE IMPROVEMENTS	\$ -	\$ 422,000	\$ 422,000
2 OFF-SITE DEVELOPMENT	\$ -		\$ -
3 SERVICE SITE DEVELOPMENT	\$ -		\$ -
4 GENERAL SERVICE SITE DEVELOPMENT	\$ -		\$ -
5 MODERNIZATION	\$ 2,000,000		\$ 2,000,000
6 DEMOLITION / INTERIM HOUSING*	\$ -		\$ -
7 NEW CONSTRUCTON	\$ -		\$ -
8 A. UNCONVENTIONAL ENERGY SOURCES	\$ -		\$ -
B. SPECIAL ACCESS COMPLIANCE	\$ -		\$ -
C. TECHNOLOGY ALLOWANCE	\$ -		\$ -
9 ENVIRONMENTAL ABATEMENT	\$ 20,000		\$ 20,000
10 AIR MONITOR CLEARANCE	\$ 7,500		\$ 7,500
11 PROJECT MANAGEMENT (incl. Reimb. Allow)	\$ 149,000	\$ 25,320	\$ 174,320
12 OTHER (ITEMIZE)	\$ -		\$ -
A. Labor Compliance	\$ -		\$ -
B. MOVING/STORAGE (District Expense)	\$ -		\$ -
C. UNDERGROUND UTILITY SEARCH	\$ -	\$ 2,500	\$ 2,500
<b>CONSTRUCTION SUBTOTAL</b>	<b>\$ 2,176,500</b>	<b>449,820</b>	<b>2,626,320</b>
<b>D. TESTS (CONSTRUCTION LAB)</b>	<b>\$ 20,000</b>		<b>\$ 20,000</b>
<b>E. INSPECTION (IOR)</b>	<b>\$ 56,250</b>		<b>\$ 56,250</b>
<b>F. FURNITURE AND EQUIPMENT</b>	<b>\$ 100,000</b>		<b>\$ 100,000</b>
<b>G. CONTINGENCIES</b>	<b>\$ 300,000</b>	<b>\$ 44,982</b>	<b>\$ 344,982</b>
<b>TOTAL ESTIMATED COSTS (ITEMS A THROUGH G)</b>	<b>\$ 3,055,836</b>	<b>536,997</b>	<b>3,592,833</b>



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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: 1

From: Tammy Busch, Asst. Superintendent of Business Services

Item Number: 18

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

**SUBJECT:** Request to Approve the Construction of New Restrooms at Isleton Elementary School

**BACKGROUND:** On February 15, 2022 the Board approved the Master Plan for the Measure J and K Facilities Bond Programs. Included and prioritized in the approved Master Plan was providing student and staff restroom facilities at the Isleton Elementary School Cafeteria. Currently there are no student restrooms, and the staff restroom is deemed only for kitchen personnel. The nearest available restrooms are the staff restrooms in the admin office building. These restrooms were not intended for students and sending students to use these creates supervision issues.

**Status:** RGM Kramer in cooperation with HKIT Architects has looked at various options to provide new restroom facilities to serve the cafeteria. If the existing building were to be remodeled to add restrooms there are building code issues that would likely trigger significant costs to evaluate and upgrade the existing building. RGM Kramer and HKIT reviewed various options and have determined the most cost effective solution is to build a new standalone building adjacent to the cafeteria building. The new building would include student and staff restrooms plus additional janitorial space. With the Boards concurrence to proceed, RGM Kramer will solicit proposals from architects for design of a building including obtaining approval of plans by the Division of State Architect. RGM Kramer has prepared the attached preliminary master budget for the project

**Presenter:** Tammy Busch, Asst. Superintendent of Business Services and Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:** Maria Denney and Ralph Caputo, RGM Kramer

**COST AND FUNDING SOURCES:** Measure J not to exceed \$904,610.

**RECOMMENDATION:** Staff recommends:

1. The Board approve the preliminary master budget,
2. The Board authorize RGM Kramer to solicit proposals for architectural services for presentation to the Board at a future meeting.

Time allocated: 5 minutes

Description: New Restroom Building  
Buildings: 1  
Square Feet: 500

<input checked="" type="checkbox"/>	Preliminary
<input type="checkbox"/>	Pre Final
<input type="checkbox"/>	Final

Preliminary

<b>A. SITE</b>	
1 SITE ACQUISITION/APPRAISAL/TITLE	\$ 0
2 SURVEY	\$ 10,000
3 SITE SUPPORT - BOND FEES	\$ 0
4 LEGAL FEES - Allowances	\$ 5,000
5 OTHER (EIR/Negative Declaration)	\$ 50
6 OTHER	\$ 0
<b>SITE SUBTOTAL</b>	<b>\$ 15,050</b>
<b>B. PLANS</b>	
1 ARCHITECT'S FEE FOR PLANS	\$ 60,000
2 DSA FEES	\$ 9,640
DSA HOURLY FEES ALLOWANCE	\$ 0
4 HEALTH DEPARTMENT	\$ 0
5 ENERGY ANALYSIS FEES	\$ 0
6 DEPARTMENT OF EDUCATION - PLAN CHECK FEE	\$ 420
7 PRELIMINARY TESTS	\$
A. SOILS	\$ 12,500
B. OPSC & YRE CONSULTANTS	\$ 5,000
C. BIDDING AND ADVERTISING	\$ 5,000
D. ENGINEERING/CONSULTING	\$ 0
E. HAZARDOUS MATERIAL SURVEY/SPECS	\$ 5,000
8 ADMINISTRATIVE COSTS	\$ 0
<b>PLANS SUBTOTAL</b>	<b>\$ 97,560</b>
<b>C. CONSTRUCTION</b>	
1 A. UTILITY SERVICE FEES	\$ 0
B. UTILITY SERVICE IMPROVEMENTS	\$ 0
2 OFF-SITE DEVELOPMENT	\$ 0
3 SERVICE SITE DEVELOPMENT	\$ 0
4 GENERAL SERVICE SITE DEVELOPMENT	\$ 100,000
5 MODERNIZATION	\$ 0
6 DEMOLITION / INTERIM HOUSING*	\$ 0
7 NEW CONSTRUCTION	\$ 500,000
8 A. UNCONVENTIONAL ENERGY SOURCES	\$ 0
B. SPECIAL ACCESS COMPLIANCE	\$ 0
C. TECHNOLOGY ALLOWANCE	\$ 0
9 ENVIRONMENTAL ABATEMENT	\$ 0
10 AIR MONITOR CLEARANCE	\$ 0
11 PROJECT MANAGEMENT	\$ 49,000
12 OTHER (ITEMIZE)	\$
A. Labor Compliance	\$ 0
B. MOVING/STORAGE (District Expense)	\$ 0
C. UNDERGROUND UTILITY SEARCH	\$ 2,500
<b>CONSTRUCTION SUBTOTAL</b>	<b>\$ 651,500</b>
<b>D. TESTS (CONSTRUCTION LAB)</b>	<b>\$ 18,000</b>
<b>E. INSPECTION (IOR)</b>	<b>\$ 32,500</b>
<b>F. FURNITURE AND EQUIPMENT</b>	<b>\$ 0</b>
<b>G. CONTINGENCIES</b>	<b>\$ 90,000</b>
<b>TOTAL ESTIMATED COSTS (ITEMS A THROUGH G)</b>	<b>\$ 904,610</b>





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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: September 13, 2022

Attachments: X

From: Codi Agan, Director of Personnel

Item Number: 19

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

**SUBJECT:**

Request to Approve the Variable-Term Waiver as authorized by the Commission on Teacher Credentialing for 2022-2023 school year.

**BACKGROUND:**

Due to the unavailability of fully qualified and acceptable teaching candidates to teach for the 2022-2023 school year, RDUSD has had to assign teachers under the provision of a Variable-Term Waiver as authorized by the Commission on Teacher Credentialing.

**STATUS:**

Public posting, attached, was posted September 9, 2022 – September 13, 2022. Applicants have been prepared and are ready to be submitted to the commission on Teacher Credentialing for; Marisa Soto Harrison D.H. White Elementary

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the Variable-Term Waiver Request on Marisa Soto Harrison.

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>

## PUBLIC NOTICE

I, Katherine Wright, Superintendent for River Delta Unified School District do hereby declare that a need has been shown that the district is currently unable to recruit fully qualified and acceptable teaching candidates. Therefore, it is my intent to employ the following people under the provisions of a variable-term waiver as authorized by the California Commission on Teacher Credentialing.

Marisa Soto Harrison

D.H. White Elementary

Multiple Subject Credential

As required by law, this notice will be posted in a public place for a minimum of Seventy-two (72) hours. The period of this posting shall commence on Friday, September 9, 2022, at 5:00 p.m. and will end on Tuesday, September 13, 2022, at 5:00 p.m.

Any person having an objection to the use of a variable-term waiver for the filing of the above-mentioned teaching positions shall submit such objection in writing to Superintendent, Katherine Wright, 445 Montezuma Street, Rio Vista, CA 94571.

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

8/25/22

Dated

Katherine Wright  
Superintendent

## PLEASE POST

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*

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

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

Wind River School  
Mokelumne High School



# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street

Rio Vista, California 94571-1651

(707) 374-1700

Fax (707) 374-2995

<http://riverdelta.org>

## AVISO PUBLICO

Yo, Katherine Wright, Superintendente del Distrito Escolar Unificado River Delta declaro por lo presente que se ha demostrado una necesidad de que el distrito actualmente no puede reclutar candidatos docentes, aceptables y completamente calificados. Por lo tanto, tengo la intención de emplear a las personas siguientes bajo las provisiones de una exención de plazo variable autorizada por la Comisión de Acreditación de Maestros de California.

Marisa Soto Harrison

Escuela Primaria D.H. White

Credencial de Materia Única

Según lo exige la ley, este aviso se publicará en un lugar público durante un mínimo de setenta y dos (72) horas. El periodo de esta publicación comenzara el viernes, 9 de septiembre del 2022 a las 5:00 pm y terminara el martes, 13 de septiembre del 2022, a las 5:00 pm.

Cualquier persona que tenga una objeción al uso de una exención de plazo variable para la presentación de los puestos docentes mencionados anteriormente Deberá presentar dicha objeción por escrito a la Superintendente, Katherine Wright, 445 Montezuma Street, Rio Vista, CA 94571.

**NOTA:** La Junta Directiva alienta a las personas discapacitadas para participar plenamente en el proceso de la reunión pública. Si necesita una modificación o adaptación relacionada con una discapacidad, incluidos servicios o ayudas auxiliares, para participar en la reunión pública, comuníquese con la oficina de la Superintendente al (707) 374-1711 por lo menos 48 horas antes de la reunión programada para que podamos hacer los esfuerzos razonables para complacerle. [Código de Gobierno § 54954.2; Ley de Estadounidenses con Discapacidades de 1990, § 202 (42 U.S.C. §12132).]

8/25/22

Fecha

*Katherine Wright*

Katherine Wright  
Superintendente

## **POR FAVOR PUBLICAR**

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

*Creating Excellence To Ensure That All Students Learn*

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

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

Wind River School  
Mokelumne High School