

Eureka City Schools Board of Education
2100 J Street - Eureka, CA 95501 | Frances H. Taplin Board Room

Regular Meeting

6:30 PM

October 27, 2022

AGENDA

A. EMPLOYEE RECEPTION (4:30 p.m.)

B. CALL TO ORDER OF OPEN SESSION (5:00 p.m.)

C. BOARD RECOGNITION

- (1) Newly Hired, Newly Permanent Certificated and Classified Employees

D. PUBLIC COMMENT ON CLOSED SESSION ITEMS

E. CLOSED SESSION (Room 118)

- (2) Employee Discipline, Dismissal, Release, Appoint, Accept the Resignation of or Otherwise Affect the Employment Status of a Public Employee (GC § 54957)
- (3) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. M(11)
- (4) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. M(11)
- (5) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)

F. RECONVENING OF OPEN SESSION (Board Room)

G. REPORT OUT FROM CLOSED SESSION

H. PLEDGE OF ALLEGIANCE TO THE FLAG - Zane Middle School

I. PUBLIC HEARING

- (6) Notice of Public Hearing - Compensation Increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants and Approval of Revised Salary Schedules

J. ADJUSTMENT TO THE AGENDA

The Board of Trustees reserves the right to change the order in which agenda items are discussed and/or acted upon at this meeting. Subject to further action by the Board, this meeting will proceed as provided in this agenda. Items may be added to this agenda for discussion or action only as permitted by law.

- (7) Approval of Agenda

K. INFORMATION

- (8) Student Reports
- (9) Superintendent's Reports
- (10) Board Members' Reports

L. PUBLIC COMMENT ON NON-AGENDA ITEMS

*** IN ORDER TO ADDRESS THE BOARD, PLEASE COMPLETE THE GREEN SPEAKER'S FORM AT THE DOOR AND GIVE TO THE BOARD PRESIDENT.**

Individual speakers shall be allowed three (3) minutes to address the Board on each non-agenda or agenda item. The Board shall limit the total time for public input on each item to twenty (20) minutes (BB 9323(b)).

M. CONSENT CALENDAR

- (11) Approval of Personnel Action Report No. 5

Referred to the Board by:

Renae Will, Executive Director of Personnel Services of Public Affairs

- (12) Approval of Expanded Learning Opportunities Program Plan

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (13) Approval of Eureka High School Science Building Project Contingency Fund

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (14) Approval of September 2022 Warrants

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (15) Agreement between Eureka City Schools (ECS) and Craven Construction Services for Inspection Services: Eureka High School Science Building Project

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (16) Approval of Independent Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (17) Approval of Measure S Bond Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (18) Approval of Measure T Bond Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (19) Approval of Declaration of Equipment as Surplus and Authorization to Sell

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (20) Approval of Minutes from the Special Meeting on October 6, 2022 and Regular Meeting on October 6, 2022

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

- (21) Approval of Resolution #22-23-008 American Indian Heritage Month November 2022

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (22) Approval of the 2022-2023 Career and Technical Education Advisory Committee

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (23) Approval of the Quarterly Report to the Governing Board as Mandated by the State, In Regards to the Williams Lawsuit

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

N. DISCUSSION/ACTION

- (24) Approval of Compensation Increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants and Approval of Revised Salary Schedules

Referred to the Board by:

Renae Will, Executive Director of Personnel Services of Public Affairs

- (25) Approval of Change Order No. 4: EHS Gymnasium Project

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (26) Master Facility Plan Update

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

O. DISCUSSION

- (27) Update on Community Schools

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

- (28) Presentation on Eureka City Schools Bullying Prevention Update

Referred to the Board by:

Lisa Claussen, Director of Student Services

- (29) Equipment Replacement Needs

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(30) Transportation Update

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(31) Elementary Attendance Boundaries

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(32) Annual Report to the Board on the English Learner Progress (as per BP 6174 (g))

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

(33) Policy Updates from CSBA - June 2022 (First Review)

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

P. CLOSED SESSION (continued)

Q. RECONVENING OF OPEN SESSION (continued)

R. REPORT OUT FROM CLOSED SESSION (continued)

S. INFORMATIONAL ONLY ITEMS

T. ADJOURNMENT

Notice: Documents and materials relating to an open session agenda that are provided to the Board less than 72 hours prior to a regular meeting will be available for public inspection and copying at the Eureka City Schools District Office, Superintendent's Office (Room 108), 2100 J Street, Eureka, CA 95501.

Notice: Eureka City Schools adheres to the Americans with Disabilities Act. Should you require special accommodations or auxiliary aids and services in order to participate in the Board meeting, please contact the Superintendent's Office (Room 108) in writing three days prior to the meeting at 2100 J Street, Eureka, CA 95501.

Notice: Regular Board meetings may be digitally recorded. Per Board policy, recordings may be erased or destroyed 30 days after the meeting.

Notice: The Governing Board reserves the right to take action on any item listed on this agenda.



Eureka City Schools

2100 J Street, Eureka, CA 95501 / Tel: 707-441-2400

NOTICE OF PUBLIC HEARING | FOR IMMEDIATE POSTING

Compensation Increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants and Approval of Revised Salary Schedules

When: **Thursday, October 27, 2022 at 6:30 p.m.**

What: **Compensation Increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants and Approval of Revised Salary Schedules**

Where: **Eureka City Schools Regular Board Meeting
Frances H. Taplin Board Room
2100 J Street, Eureka, CA 95501**

PLEASE TAKE NOTICE that the Governing Board of Eureka City School District at a regular meeting on Thursday, October 27, 2022, at 6:30 p.m. will receive public comment on the compensation increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants, and Approval of Revised Salary Schedules.

The Governing Board is being asked to approve a 5.0% rate increase for classified, certificated, classified management, certificated management, and confidential administrative assistants, and to approve updated salary schedules effective December 1, 2022. In addition, for classified employees who were employed with the District on or before October 1, 2022, the Board is asked to approve a step increase effective December 1, 2022.

These increases are outside the normal negotiation cycle. The Board and District have closed contracts with CSEA and ETA through June 30, 2024. Considering the District's budget, the Board asked staff to offer increases to both units, and Memorandums of Understanding were signed. The Board is pleased the District is able to offer this unprecedented increase outside of normal contract negotiations.

Contact:
Rena Will
Executive Director of Personnel and Public Affairs
Tel: 707-441-3379

Post: 10/14/22
Remove: 10/28/22

AGENDA ITEM

Agenda Title: Approval of Personnel Action Report No. 5

Meeting Date: October 27, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Personnel Action Report No. 5.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

N/A

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 7: Human Resources

HISTORY *(list previous staff or board action(s) with dates if possible)*

N/A

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

N/A

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will, Executive Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- ▣ Personnel Action Report No. 5

**EUREKA CITY SCHOOLS
PERSONNEL REPORT NO. 5
October 27, 2022**

The following personnel are submitted to the Board of Education of the Eureka City Schools for approval:

CERTIFICATED PERSONNEL

RESIGNATIONS

Hanrahan, Leah	Temporary Teacher, 0.334 FTE, (Zoe Barnum), eff. 10/7/22
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ASSIGNMENTS

Staack, Aaron	Department Co - Chair, VAPA, (EHS), eff. 2022 – 2023
Young, Charles	Department Co - Chair, VAPA, (EHS), eff. 2022 – 2023

CHANGE OF STATUS

Younger, Sandy	From: Family Medical Leave, 1.0 FTE To: Teacher, 1.0 FTE, (Washington) , eff. 10/3/22
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DAY-TO-DAY SUBSTITUTE TEACHERS

Benn, Alexander	Day to Day Substitute Teacher, (District), eff. 10/3/22 – 6/30/23
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CLASSIFIED PERSONNEL

RESIGNATIONS

Burger, Jennifer	Ed Services Technician (DO), 5 hrs/day, eff. 10/6/22
Ferreira, Jennifer	School Bus Driver (CY), 5.25 hrs/day, eff. 10/8/22

ASSIGNMENTS

Conners, Caitlin	English Learner Technician (EHS), 3 hrs/day, eff. 10/5/22
Dekens, Molly	Sr. Clerk Typist (Wellness Center/EHS), 8 hrs/day, eff. 10/21/22
Gallagher, Amy	Classroom Aide (Washington), 6 hrs/day, eff. 10/5/22
Gomez, Stephanie	Instructional Asst Special Ed III (DW), 7 hrs/day, eff. 10/11/22
Kajla, Christina	After-School Program Assistant (Zane), 3 hrs/day, eff. 10/4/22
Lindley, Alynda	Classroom Aide (Alice Birney), 6.5 hrs/day, eff. 10/11/22
Schneider, Nicole	Campus Supervisor (EHS), 8 hrs/day, eff. 10/17/22

SPECIAL APPOINTMENTS

Esser, Robert
Valladares, Gillian

Custodial Sub, eff. 10/6/22
Monitor Sub, eff. 10/14/22

CHANGE OF STATUS

Collins, Laura,

From: After-School Prog Asst (Winship), 3 hrs/day
To: After-School Prog Asst (Winship), 3 hrs/day and
Monitor (Winship), 1.5 hrs/day, eff. 9/27/22

Crawford, Dane

From: Jr. High School Lead Custodian (Zane), 8 hrs/day
To: Custodian (LAF/EHS), 8 hrs/day, eff. 10/10/22

Davis, Mitch

From: After-School Prog Asst (Winship), 3 hrs/day
To: After-School Prog Asst (Winship), 2.4 hrs/day,
eff. 8/23/22-10/3/22

Latonio, Crystal

From: After-School Prog Asst (Laf), 3 hrs/day
To: After-School Prog Asst (Laf), 4.10 hrs/day, eff. 9/7/22
To: After-School Prog Asst (Laf), 4.10 hrs/day and Literacy
Technician (Laf), 3 hrs/day, eff. 9/27/22

Nino Hood, Dana

From: English Learner Tech (Lafayette), 3 hrs/day and
After-School Prog Asst (Lafayette), 3 hrs/day
To: English Learner Tech (Lafayette), 4 hrs/day and
After-School Prog Asst (Lafayette), 3 hrs/day, eff. 10/1/22
To: English Learner Tech (Lafayette), 4 hrs/day, eff. 10/15/22

Patterson, Robert

From: Custodian (AB/EHS), 8 hrs/day
To: Elem School Lead Custodian (AB), 8 hrs/day, eff. 10/10/22

LEAVES

Lemley, Anita

From: Sec School Counseling Clerk (Zane), 8 hrs/day
To: Sec School Counseling Clerk (Zane), 7 hrs/day
Partial Unpaid LOA, eff. 9/28/22-6/30/23

Peper, Wanda

From: Monitor (Lafayette), 3 hrs/day
To: Medical Leave, eff. 9/5/22-12/5/22

TERMINATION

CL-22-23-01
CL-22-23-02

Eff. 10/4/22
Eff. 10/19/22

AGENDA ITEM

Agenda Title: Approval of Expanded Learning Opportunities Program Plan

Meeting Date: October 27, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to review and approve the ECS Expanded Learning Opportunities Program (ELOP) plan.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

LEAs are responsible for creating, reviewing, and updating the program plan every three years in accordance with EC Section 8482.3(g)(1).

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 16: Alternative and Optional Programs

HISTORY *(list previous staff or board action(s) with dates if possible)*

The ELOP program plan corresponds with the Expanded Learning Opportunities Grant Plan which was approved by the ECS Board of Trustees on 05/13/2021.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Estimated cost for the 22-23 ELOP plan is \$2,417,267.00 which includes both ASES and ELOP expenses.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

▣ ELOP

Expanded Learning Opportunities Program Plan Guide

EXPANDED LEARNING OPPORTUNITIES PROGRAM PLAN GUIDE

Prepared by: Expanded Learning Division

California Department of Education 1430 N Street, Suite 3400
Sacramento, CA 95814-5901
916-319-0923



Eureka City Schools

This Program Plan Template Guide is required by California Education Code (EC) Section 46120(b)(2)

Note: This cover page is an example, programs are free to use their own logos and the name of their program.

Name of Local Educational Agency and Expanded Learning Opportunities Program Site(s)

Name of Local Educational Agency or Equivalent:	Eureka City Schools
Contact Name:	Gary Storts
Contact Email:	stortsg@eurekacityschools.org
Contact Phone:	707.441.3364

Instructions: Please list the school sites that your LEA selected to operate the Expanded Learning Opportunities Program (ELO-P). Add additional rows as needed.

1. Alice Birney Elementary
2. Grant Elementary
3. Lafayette Elementary
4. Washington Elementary
5. Winship Middle School
6. Zane Middle School

Purpose

This template will aid LEAs in the development of a program plan as required by EC Section 46120(b)(2). In this program plan, LEAs will describe program activities that support the whole child, and students' Social and Emotional Learning (SEL) and development.

Definitions

"Expanded learning" means before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences. It is the intent of the Legislature that expanded learning programs are pupil-centered, results driven, include community partners, and complement, but do not replicate, learning activities in the regular school day and school year. (EC Section 8482.1[a])

"Expanded learning opportunities" has the same meaning as "expanded learning" as defined in EC Section 8482.1. "Expanded learning opportunities" does not mean an extension of instructional time, but rather, opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities. (EC Section 46120[e][1])

Instructions

This Program Plan needs to be approved by the LEA's Governing Board in a public meeting and posted on the LEA's website.

The program plan template guide is considered a living document that is periodically reviewed and adjusted to reflect the needs of the community, updates in the law, and to provide continuous improvement in the development of an effective ELO-P.

The LEA is responsible for creating, reviewing, and updating the program plan every three years in accordance with EC Section 8482.3(g)(1). LEAs are encouraged to work collaboratively with partners and staff to develop and review the program plan. The LEA is responsible for the plan and the oversight of any community partners or subcontractors. The LEA

should include any partners in the development and review of the plan. It is recommended that the plan be reviewed annually.

The Expanded Learning Division adopted the Quality Standards for Expanded Learning in California (Quality Standards) and introduced requirements for Continuous Quality Improvement (CQI) to help programs engage in reflection and be intentional about program management practices and activities delivered to students. To create the program plan, provide a narrative description in response to the prompts listed under each Quality Standard below. The LEA may customize and include additional prompts, such as describing SEL activities, or refining the plan. In addition to the narrative response, it may be useful to include tables, charts, or other visual representations that contribute to the understanding of the ELO-P. LEAs are encouraged to download and reference the Quality Standards in order to provide ongoing improvements to the program. The Quality Standards can be found on the California Department of Education's (CDE) Quality Standards and CQI web page, located at <https://www.cde.ca.gov/ls/ex/qualstandcqi.asp>.

1—Safe and Supportive Environment

Describe how the program will provide opportunities for students to experience a safe and supportive environment. Include if the program will be offered on the schoolsite or off campus. If not on site, describe where in the community it will be and how students will be supported to get there.

The Expanded Learning Opportunities Program (ELOP) will provide a safe environment that supports students' physical and social-emotional needs. ELOP will be held onsite at the four ECS elementary campuses and the two ECS middle school campuses.

ECS staff will oversee the attendance sign-in and parent/guardian sign-out process. All staff are trained in ECS safety procedures and are certified in Crisis Prevention and Intervention (CPI). For consistency, the safety procedures used during ELOP align with the school day procedures. In collaboration with site administration, each program will participate in safety drills. All staff wear staff identification badges so they are easily identifiable. A daily schedule is posted in the classroom with indoor and outdoor activities. Staff have clipboards with groups and student names to ensure effective supervision.

Additionally, ELOP staff and approved vendors will supplement the ELOP program by offering enrichment learning experiences in a supportive environment.

2—Active and Engaged Learning

Describe how the program will provide opportunities for students to experience active and engaged learning that either supports or supplements, but does not duplicate, the instructional day.

The major link to the regular school day program is homework support. ELOP coordinators regularly consult with teachers about current assignments and exchange information about students who may need differentiated support. An evidence-based practice that is a common thread throughout our ELOP program is the use of Positive Behavior Intervention and Support (PBIS), where students' academic, social, and behavioral needs are addressed through a multi-tiered system of support. Access to dedicated Chromebooks allows students to access online tools for their English-language Arts and math curriculum. Program coordinators check in with school secretaries about students who are absent. Many teachers directly check with ELOP coordinators about students who may need special support based on possible challenges they encountered during the regular school day.

The programs offer a variety of core curriculum-support time as well as enrichment activities (through the many "clubs" - including arts and crafts, woodworking, jewelry, musical theater, musical instruments, cooking, sewing, science, gardening, "Makerspace," and computer coding. Cooperative learning and appropriate social development are embedded into each ELOP activity.

ECS programs take full advantage of the many resources on-hand in the local environment. The Science Action Clubs Birds and Bugs from The San Francisco Academy of Science are being used at Lafayette. These are steeped in hands-on learning. Alice Birney has partnered with GROW together for garden clubs once a week on Tuesdays. Each grade rotates around for the first hour and the 2nd hour is a Garden Stewardship with the students who come every week and want to learn things more in depth. Washington partners with the Sequoia Park Zoo for guided nature walks and activities involving the zoo and redwood forest.

3—Skill Building

Describe how the program will provide opportunities for students to experience skill building.

The ECS ELOP offers homework help, with some teachers and other adults on-hand to assist students. Many enrichment activities are STEAM based. Winship and Zane middle schools have TRIO tutors once a week.

Emphasizing the Four Cs: communication, collaboration, critical thinking, and creativity- as well as literacy and social-emotional learning, the ECS ELOP aligns with the overarching California programmatic goals of the Expanded Learning Opportunities Plan.

4—Youth Voice and Leadership

Describe how the program will provide opportunities for students to engage in youth voice and leadership.

Feedback from program participants (students) is regularly obtained through informal conversations with program staff. Student choice is a positive aspect of each program, providing students with a "voice" on which activities they would like to be a part of. New program offerings are often the result of student feedback. For example, the students advocated for an opportunity to learn to code at Zane's Middle School ASES program, and a program was started. Similarly, at Lafayette Elementary School, students told the program coordinator that they enjoyed the new Maker station so much that a second was added. Many activities are now planned with a Maker mindset using these stations.

At each site, the program staff and students gather for a daily meeting where celebrations and challenges are shared and discussed as appropriate.

Students in the lower and upper grades have a similar mechanism for selecting activities in which they participate. Program staff ensures that student choice is a key component for consideration for which programs they plan and prepare for.

5—Healthy Choices and Behaviors

Describe how the program will provide opportunities for students to engage in healthy choices and behaviors. Describe how students will be served nutritious meals and/or snacks during the ELO-P hours of programming.

Physical activity and healthy nutrition are cornerstones of the Eureka City Schools ASES offering. A nutritious "supper" program is provided for each child every day. Similarly, physical activity time is structured to encourage health-based physical fitness activities (with a de-emphasis on competition and rivalry). Cooperative games are most often offered to encourage and sustain healthy student-to-student relationships.

Eureka City Schools offers an award-winning nutrition program that follows or exceeds all federal and State nutrition requirements. Nutritious snacks offered in the program include the following: 100% fruit juice, apples, pretzels, carrots, and oranges. Motor development activities are aligned with CA PE standards and the SPARK curriculum.

6—Diversity, Access, and Equity

Describe how the program is designed to address cultural and linguistic diversity and provide opportunities for all students to experience diversity, access, and equity. Describe how the ELO-P will provide access and opportunity for students with disabilities.

Diversity, in its many forms, is celebrated throughout our District in both the regular day and after-school programs. Students participate in multicultural nights and contests that highlight specific cultures and traditions. ELOP programs also focus on heritage days and months such as the following: Hispanic Heritage Month in September, Indigenous Peoples' Day October 10, Native American Heritage Month in November, Black History Month in February, and Asian American and Pacific Islander Heritage Month in May. Information is shared and celebrated through community circles and enrichment activities.

Program staff will collaborate with regular education teachers, English Learner teachers, and special education teachers to determine how to best support our learners during the ELOP. Oftentimes, for EL and special education students, this need is identified through the SST or IEP process. As necessary, IEP goals are supported through the ELOP activities, especially during the academic tutoring/homework help portion of the daily program. For students with disabilities, site coordinators are made aware by school administrators of any specific accommodation that may be needed to ensure a student's successful participation in the program. This applies to students who have IEPs or 504s.

7—Quality Staff

Describe how the program will provide opportunities for students to engage with quality staff.

ECS' ELOP program leaders (Student Services Coordinators) are classified administrators and are included in all ECS Leadership Team meetings, ensuring consistency in district values and fidelity to the ECS Strategic Plan. Some program coordinators also lead required professional development opportunities during preservice and in-service training days.

Program staff are hired through a careful vetting process that begins with widespread advertising through the Humboldt County Office of Education, the District website, and the District's social media platforms. All program assistants who supervise students must meet the minimum qualifications of paraprofessionals, which include:

- *High school diploma or GED and,
- *Completed at least two years of college (minimum 48-semester units)
- *Obtained an Associates (or higher) degree; or
- *Met a rigorous standard of quality and can demonstrate, through a formal local academic assessment and proof of certification
- *Fingerprint clearance
- *Current T.B. clearance.

8—Clear Vision, Mission, and Purpose

Describe the program's clear vision, mission, and purpose.

The ECS ELOP vision, mission, and purpose are embedded and aligned with the goals identified in the ECS LCAP. Two goals drive the ELOP programs at our sites.

Goal 1: All students will demonstrate high academic achievement and "college and career readiness" in clean and modernized schools.

Goal 2: All students will learn in a safe, supportive, and culturally responsive environment where students, families, and the community are valued, connected, and engaged.

*The program provides a variety of hands-on, project-based activities. STEAM activities are a focus of all ELOP programs.

*Academic activities build on or complement school day curricula and are clearly linked to state content standards. All students in grades 2-5 will have access to reading materials and Chromebooks to complete IXL (I excel) tests in math and language arts.

*Youth of all ages will have the opportunity to express themselves and use their voice to solve problems. 100% of students will be involved in Community Circles once a week during the school year.

*A student leadership team will be formed to provide students voice in all areas of the program, including planning.

9—Collaborative Partnerships

Describe the program's collaborative partnerships. Local educational agencies are encouraged to collaborate with non-LEA entities to administer and implement ELO-P programs.

Current ECS ELOP collaborative partnerships include:

*Humboldt County Office of Education - regional meetings for program staff including Harvest of the Month nutrition bags for those who attend the regional meeting. Taste, Make and Learn bags are also provided for families at Alice Birney and Lafayette. At Lafayette this includes 40 bags per month with a recipe and organic food provided.

*Eureka Zoo - enrichment activities for program participants

*Art classes for multilingual students provided by local artist and author Maureen McGarry, the Boys and Girls Club, Ink for People and senior volunteers. This class is being provided at Lafayette for an hour every Tuesday from October 4 through the school year.

10—Continuous Quality Improvement

Describe the program's Continuous Quality Improvement plan.

Using the Continuous Quality Improvement (CQI) process, annually, each site updates/revises the CQI based on collected data and input. A summary of the ECS CQI process --

Assess Program Quality: Collect data on the program using multiple strategies. Data comes from sources including self-assessments, review of program policies and manuals, interviews and surveys conducted with staff, youth, and other educational partners, and observation of program activities.

Plan: Reflect on program data and use data to generate and implement an action plan for program improvement. Action plans can be used to revise and refine organizational strategies and goals, direct organizational resources towards areas that need improvement, and guide professional development for staff.

Improve Program Quality: Implement the action plan, taking time to reflect on progress along the way. Once key goals are met, re-assess and update the action plan accordingly.

11—Program Management

Describe the plan for program management.

ELOP funding is used directly to support the needs of students in the program. The Educational Services Department of Eureka City Schools is responsible for decisions regarding the use of ELOP resources.

Organizational Structure:

- *District Assistant Superintendent of Educational Services
- *Principals
- *Site Program Coordinators
- *Teachers
- *After School Assistants
- *Other Support Staff

General Questions

Existing After School Education and Safety (ASES) and 21st Community Learning Centers (21st CCLC) Elementary and Middle School grantees.

ASES, 21st CCLC Elementary/Middle School, and the ELO-P should be considered a single, comprehensive program. In coordinating all these funding streams to move towards a single program, the expectation is that the most stringent requirements will be adopted for program guidance. If one or both grants are held, please describe how the ELO-P funding will be used to create one comprehensive and universal Expanded Learning Program.

Eureka City Schools is fortunate to have both ASES and ELOP. As such, ECS will apply the ASES program standards (most stringent) for behaviors and attendance requirements. ECS is also fortunate to have a regionally recognized after-school program at Lafayette Elementary to model current and future efforts after.

Transitional Kindergarten and Kindergarten

Programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1. (EC Section 46120[b][2][D]). Please address the proposed schedule and plan for recruiting and preparing staff to work in the program, including supporting them to understand how to work with younger children. How will the lower pupil-to-staff ratio be maintained? How will the curriculum and program be developmentally-informed to address this younger age group?

The ECS ELOP program provides a balanced approach of play and academics for our transitional kindergarten and kindergarten students. Program staff working with TK and K will maintain the 10:1 student-to-adult ratio. Program leaders will schedule staff appropriately to ensure the proper ratio is maintained, ensuring ELOP activities enhance early learning in literacy, mathematics, and social-emotional learning. Professional development for TK and K program staff will be held during new hire orientation, in-service training days, and on an as-needed basis daily before and after students arrive/leave.

Sample Program Schedule

Please submit a sample program schedule that describes how the ELO-P or other fund sources, including the California State Preschool Program for children enrolled in transitional kindergarten or kindergarten, will be combined with the instructional day to create a minimum of nine hours per day of programming (instructional day plus ELO-P or other supports). Also, submit a sample schedule for a minimum nine-hour summer or intersession day.

Regular School Year (sample program offerings)

Monday, 2:00-6:00 PM and Tuesday-Friday, 2:42- 6:00 PM: Art (paper crafts, oil pastels, make a book), Engineering (building, wood crafts, legos), Fitness (outside creative play, Protect the Fort), Science (The magic of yeast, Camouflage Lizards)

Summer School/30 Intersession Days (sample program offerings)

Monday-Friday, 8-5:15 PM: Certificated teachers leading Reading mini-lessons, Math, SEL, IXL, and other academic-focused activities until lunch; ELOP/ASES program staff led enriching academic activities similar to the regular school year.

Below are additional legal requirements for the ELO-P. Please ensure your Program Plan meets all of these legal requirements:

EC Section 46120(b)(2):

[LEAs] operating expanded learning opportunities programs may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple school sites, and shall comply with subdivisions (c), (d), and (g) of Section 8482.3, including the development of a program plan based on the following;

(2) [LEAs] operating expanded learning opportunity programs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites, and shall comply with subdivisions (c), (d), and (g) of Section 8482.3, including the development of a program plan based on all of the following:

(A) The department's guidance.

(B) Section 8482.6.

(C) Paragraphs (1) to (9), inclusive, and paragraph (12) of subdivision (c) of Section 8483.3.

(D) Section 8483.4, except that programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1.

EC Section 46120(b)(1)(A):

On schooldays, as described in Section 46100 and Sections 46110 to 46119, inclusive, and days on which school is taught for the purpose of meeting the 175-instructional-day offering as described in Section 11960 of Title 5 of the California Code of Regulations, in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, are no less than nine hours of combined instructional time and expanded learning opportunities per instructional day.

EC Section 46120(b)(1)(B):

For at least 30 nonschooldays, during intersessional periods, no less than nine hours of in-person expanded learning opportunities per day.

EC Section 46120(b)(3):

[LEAs] shall prioritize services provided pursuant to this section at schoolsites in the lowest income communities, as determined by prior year percentages of pupils eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with expanded learning opportunities programs across their attendance area.

EC Section 46120(b)(4):

[LEAs] may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs provided pursuant to this section.

EC Section 46120(b)(6):

[LEAs] are encouraged to collaborate with community-based organizations and childcare providers, especially those participating in state or federally subsidized childcare programs, to maximize the number of expanded learning opportunities programs offered across their attendance areas.

EC Section 46120(c):

A [LEA] shall be subject to the audit conducted pursuant to Section 41020 to determine compliance with subdivision (b).

EC Section 8482.3(d):

[LEAs] shall agree that snacks made available through a program shall conform to the nutrition standards in Article 2.5 (commencing with Section 49430) of Chapter 9 of Part 27 of Division 4 of Title 2.

[LEAs] shall agree that meals made available through a program shall conform to the nutrition standards of the United States Department of Agriculture's at-risk afterschool meal component of the Child and Adult Care Food Program (42 United States Code [U.S.C.] Section 1766).

EC Section 8482.6:

Every pupil attending a school operating a program . . . is eligible to participate in the program, subject to program capacity. A program established . . . may charge family fees. Programs that charge family fees shall waive the cost of these fees for pupils who are eligible for free or reduced-price meals, for a child that is a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11434a), or for a child who the program knows is in foster care. A program that charges family fees shall schedule fees on a sliding scale that considers family income and ability to pay.

EC sections 8483.4 and 46120(b)(2)(D):

The administrator of every program established pursuant to this article shall establish minimum qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise pupils meet the minimum qualifications for an instructional aide, pursuant to the policies of the school district. Selection of the program site supervisors shall be subject to the approval of the school site principal. The administrator shall also ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in current law and district policy for school personnel and volunteers in the school district, except that programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1.

EC Section 8482.3(c)(1)(A–B):

Each component of a program established pursuant to this article shall consist of the following two elements:

(A) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(B) An educational enrichment element that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities.

AGENDA ITEM

Agenda Title: Approval of Eureka High School Science Building Project
Contingency Fund
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve a contingency fund for the Eureka High School Science Building project.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

There could be unforeseen issues that arise with a modernization project. For this reason, a 10% contingency fund is requested. This will allow work to move forward without the time delay associated with obtaining approvals for potential change orders.

Once ratified, Staff will have the authority to approve change orders within the contingency fund allowance. Staff emphasizes that funding from the contingency fund will only be awarded on an as-needed basis and may not be fully expended at the end of the project.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

The low bid from Adams Commercial General Contracting, Inc. (ACGC) was approved at the October 6, 2022 Board meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The low bid was \$9,979,680. A 10% contingency fund equals \$997,968.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

AGENDA ITEM

Agenda Title: Approval of September 2022 Warrants

Meeting Date: October 27, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the attached list of warrants issued during the month of September 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Education Code section 17605 allows the District's Board to "adopt a rule, delegating to any officer or employee...the authority to purchase supplies, materials, apparatus, equipment, and services" that do not exceed the amount specified in section 20111 of the Public Contract Code. However, Education Code 35161 requires the Board to retain "ultimate responsibility over the performance of those powers or duties so delegated". As a result, it is recommended that the Governing Board ratify or approve actions taken by the designees.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

This issue was discussed at the February 27, 2014 Board meeting. It was agreed that the Warrant listings would come to the Board for review and approval on a monthly basis.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

For September 2022, the District issued warrants totaled \$3,023,439.01.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▢ September 2022 Warrants

Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000178621	09/01/2022	ACCURATE DRUG TESTING SERVICES	01-5864	OPEN PO:DOT driver's physical examination		100.00
3000178622	09/01/2022	ADVANCED SECURITY SYSTEMS	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		120.18
3000178623	09/01/2022	Ally Haynes	01-5861	Fingerprinting		30.00
3000178624	09/01/2022	AMN HEALTHCARE ALLIED INC	01-5800	OPEN PO for SLP contracted service invoices		3,800.00
3000178625	09/01/2022	AT&T	01-5909	OPEN PO for 939 - Site phone bills		6,928.25
3000178626	09/01/2022	Austin, Jeffrey S	01-5861	Fingerprinting		30.00
3000178627	09/01/2022	AUTHOR FESTIVAL	73-4310	BOOKS FOR LIBRARY		15.27
3000178628	09/01/2022	Berti, Jessica L	01-5201	MILEAGE		3.13
3000178629	09/01/2022	Brandee Mitchell	01-5861	Fingerprinting		30.00
3000178630	09/01/2022	BRINK'S INCORPORATED *	01-5800	Open PO - Courier Service		305.74
3000178631	09/01/2022	Bryant, Kristen E	01-5861	Fingerprinting		30.00
3000178632	09/01/2022	BRYCE CHERPELIS DBA OAK BREWING LLC	01-4393	P.D. CLASSIFD REFRESH		1,156.50
3000178633	09/01/2022	Buchner, Roseann	01-4310	READING INTERVENTION		90.00
3000178634	09/01/2022	CAMPTON ELECTRIC	01-4381	BLANKET PO FOR MATERIALS		21.26
3000178635	09/01/2022	CASSARO'S CATERING	01-4393	YOUTH MENTAL HLTH TRAINING		1,311.00
3000178636	09/01/2022	CDW-G	01-4400	NEC REMOTES	421.65	
			01-4445	ORDER: Tech Misc Computers	15.16	
				ORDER: Tech Storage	993.24	
				ORDER: Tech Workstations	5,772.94	7,202.99
3000178637	09/01/2022	Chalmers, Ella M	01-5861	Fingerprinting		30.00
3000178638	09/01/2022	Charbonneau, Matthew J	01-5861	Fingerprinting		30.00
3000178639	09/01/2022	Chavez, Roberta E	01-5861	Fingerprinting		30.00
3000178640	09/01/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		4,841.44
3000178641	09/01/2022	Davis, Amy L	01-5861	Fingerprinting		30.00
3000178642	09/01/2022	Delgado, Maria F	01-5861	Fingerprinting		30.00
3000178643	09/01/2022	ECS REVOLVING FUND	23-6271	STORM WATER CERT. REIMB ECS REVOLVING		2,107.00
3000178644	09/01/2022	ENGLUND MARINE SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		104.77
3000178645	09/01/2022	ENVOY PLAN SERVICES TSA CONSULTING	01-3901	Standing PO - Van Vleck Retirement Contribution		150.00
3000178646	09/01/2022	EUREKA ACE HARDWARE	01-4381	BLANKET PO: MAINT. SUPPLIES		42.19
3000178647	09/01/2022	EUREKA NAPA AUTO	01-4362	BPO: Transportation/Motor Pool parts for vehicles		185.81

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000178648	09/01/2022	EUREKA OXYGEN	01-5623	12 FIRE EXT - A.B.		1,171.12
3000178649	09/01/2022	EUREKA READY MIX	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		625.33
3000178650	09/01/2022	FASTENAL COMPANY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		147.28
3000178651	09/01/2022	Forbes, Garrett J	01-5861	Fingerprinting		35.00
3000178652	09/01/2022	Forbes, Kara T	01-5861	Fingerprinting		35.00
3000178653	09/01/2022	Fowler, Joseph R	01-4374	CUSTODIAL SUPPL		9.38
3000178654	09/01/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		376.58
3000178655	09/01/2022	Garrett, Misty S	01-5861	Fingerprinting		30.00
3000178656	09/01/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		4,189.06
3000178657	09/01/2022	GOSSELIN AND SONS	01-4363	BLANKET PO FOR MATERIALS AND SUPPLIES		63.06
3000178658	09/01/2022	Green, Megan E	01-5861	Fingerprinting		30.00
3000178659	09/01/2022	HAL LEONARD LLC DBA NOTEFLIGHT	01-4310	NOTEFLIGHT SOFTWARE		1,574.00
3000178660	09/01/2022	Haynes, Carly C	01-5861	Fingerprinting		30.00
3000178661	09/01/2022	Haynes, Molly J	01-5861	Fingerprinting		30.00
3000178662	09/01/2022	HENSELL MATERIALS	01-4377	Blanket PO for parts and materials	2.19	
			01-4381	Blanket PO for parts and materials	83.41	85.60
3000178663	09/01/2022	HUMBOLDT COMM SERVICES DIST	01-5530	WATER - GRANT/LAF/WINSHIP		3,560.27
3000178664	09/01/2022	Inder Singh	01-5861	Fingerprinting		30.00
3000178665	09/01/2022	Jamerson, Keisha	01-5861	Fingerprinting		30.00
3000178666	09/01/2022	Jared Vodden	01-5861	Fingerprinting		30.00
3000178667	09/01/2022	Jewell, Stacy L	01-4310	OFFICE SUPPLIES		87.18
3000178668	09/01/2022	JOSTEN'S	11-4310	DIPLOMA COVERS ADULT ED		520.49
3000178669	09/01/2022	Kamberg, Debra M	01-4392	P.D. REFRESHMENTS		34.13
3000178670	09/01/2022	Kenya Wolf	01-5861	Fingerprinting		30.00
3000178671	09/01/2022	Lance Oden	01-5861	Fingerprinting		30.00
3000178672	09/01/2022	LANGUAGE LINE SERVICES INC	01-5800	TRANSLATING		442.42
3000178673	09/01/2022	LEARNING WITHOUT TEARS	01-4310	CLASSROOM SUPPLIES		14,231.58
3000178674	09/01/2022	Lillian Kinsey	01-5861	Fingerprinting		30.00
3000178675	09/01/2022	Loren True-R-Buhr	01-5861	Fingerprinting		30.00
3000178676	09/01/2022	Lovio-Coley, Alysia	01-5861	Fingerprinting		30.00
3000178677	09/01/2022	Manzanera, Eduardo F	01-5861	Fingerprinting		30.00
3000178678	09/01/2022	McGibbon, Melinda R	01-4310	CIS SUPPLIES		67.25
3000178679	09/01/2022	MCGRAW HILL	01-4110	Curriculum - Ordered uder "EPO-00001"	97.94	
			01-4310	Please email PO aliyah.utush@mheducation.com	737.40	835.34

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000178680	09/01/2022	MENDES SUPPLY	01-9320	VFS Restock		4,163.27
3000178681	09/01/2022	MILLER FARMS NURSERY	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES	233.20	
			01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	64.13	297.33
3000178682	09/01/2022	Mitchel Davis	01-5861	Fingerprinting		30.00
3000178683	09/01/2022	Omwake, Heather L	01-4310	PE STORAGE		159.42
3000178684	09/01/2022	Osuna, Sandra M	01-5210	AVID SUMMER INST TRAVEL		311.21
3000178685	09/01/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials		83.34
3000178686	09/01/2022	PIONEER ATHETICS	01-4377			1,951.59
3000178687	09/01/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		70.04
3000178688	09/01/2022	Pratt, Gabriella	01-5861	Fingerprinting		30.00
3000178689	09/01/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		6,008.50
3000178690	09/01/2022	Rains, Elizabeth E	01-4310	CLASS SUPPLIES		16.39
3000178691	09/01/2022	RAMONE'S BAKERY & CAFE	01-4393	P.D. REFRESH		288.35
3000178692	09/01/2022	RECOLOGY HUMBOLDT COUNTY	01-4310	CARDBOARD RECYCLING		2,166.67
3000178693	09/01/2022	Saffold, Andrew P	01-5861	Fingerprinting		30.00
3000178694	09/01/2022	Santiago, Alexander	01-5633	BUS PARTS		27.30
3000178695	09/01/2022	Sara Kouzman	01-5861	Fingerprinting		30.00
3000178696	09/01/2022	SCHOOL SPECIALTY LLC	01-9320	VFS Restock		2,717.75
3000178697	09/01/2022	SHN CONSULTING ENGINEERS AND GEOLOGISTS	23-6271	Engineering Fees	602.50	
				INVOICE: Engineering Fees	7,292.30	7,894.80
3000178698	09/01/2022	Smit, Nicole L	01-4393	P.D. LUNCH		269.71
3000178699	09/01/2022	Starr, Maya A	01-5861	Fingerprinting		30.00
3000178700	09/01/2022	Steinbock, Christine A	01-5861	Fingerprinting		30.00
3000178701	09/01/2022	SYSCO	13-4396	OPEN PO: Food & Supplies	50.86	
			13-4710	OPEN PO: Food & Supplies	6,541.07	6,591.93
3000178702	09/01/2022	Thao, Leonardo C	01-5861	Fingerprinting		30.00
3000178703	09/01/2022	Transform Challenging Behavior Barb O'Neill	01-4310	Continued Ed Teachers Plag Grant		897.00
3000178704	09/01/2022	U.S. BANK CORPORATE PMT	01-5207	TRAINING - BREAKTHROUGH COACH	695.00	
			01-5210	CONF. TRAVEL REIMB. BY PERSONAL CK	73.99	
			01-6450	ACCTG SOFTWARE EHS MAIN OFF	349.99	
				ACCTG SOFTWARE MAIN OFFICE	42.50	1,161.48
3000178705	09/01/2022	U.S. BANK EQUIPMENT	01-5623	A.B. COPIER LEASE 500-0564851	1,072.75	
				No WINSHIP COPIER LEASE 500-0531060	347.89	1,420.64
3000178706	09/01/2022	VERIZON WIRELESS	01-4400	booster for tech ctr	204.83	

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000178706	09/01/2022	VERIZON WIRELESS	01-5921	Open PO: ALL VERIZON LINES	50.75	
			01-5922	Open PO: ALL VERIZON LINES	1,559.05	1,814.63
3000178707	09/01/2022	Wenzel, Adrianna	01-5861	Fingerprinting		30.00
3000178708	09/01/2022	WEST COAST PAPER CO.	01-9320	ORDER - Bulk paper for Warehouse (Cooperative Bid)		58.56
3000178709	09/01/2022	WEST ED	01-5800	HEALTHY KIDS		3,023.00
3000178710	09/01/2022	WILLDAN ENERGY SOLUTIONS	01-6250	INVOICE: Contractor Fees		39,488.00
3000179165	09/08/2022	ACSA ASSOC OF CA SCHOOL ADMIN	01-5300	ACSA BOARD MBRSHIPS		1,000.00
3000179166	09/08/2022	ACSA ASSOC OF CA SCHOOL ADMIN	01-5300	ACSA Annual Memberships		3,890.08
3000179167	09/08/2022	ADVANCED SECURITY SYSTEMS	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	379.87	
			01-5635	BLANKET PO FOR MATERIALS AND SUPPLIES	770.00	1,149.87
3000179168	09/08/2022	aVENMARG, KATHERINE	13-8699	REFUND LUNCH \$ ON ACCT		50.50
3000179169	09/08/2022	Behrens, Edith L	01-5201	MILEAGE		19.25
3000179170	09/08/2022	BSN SPORTS	01-4310	EHS CR ON OLD ORDER	342.97-	
				EHS CREDIT ON OLD ORDER	491.68-	
				EHS PE SUPPLIES ORIG PO22-00558	128.51	
				ORDER(INVOICE ZANE ASB!): Basketballs, score books	1,195.69	489.55
3000179171	09/08/2022	CALIF SCHOOLS DENTAL COALITION	68-9135	DENTAL OCT 2022		52,198.00
3000179172	09/08/2022	KEENAN & ASSOCIATES, ADMIN	67-9135	VISION OCT 2022		10,895.00
3000179173	09/08/2022	CALIF. SCHOOLS VISION COALITN				
3000179173	09/08/2022	KEENAN & ASSOCIATES, ADMIN				
3000179173	09/08/2022	CAMPTON ELECTRIC	01-4381	BLANKET PO FOR MATERIALS		96.96
3000179174	09/08/2022	CDW-G	01-4310	ORDER: Tech Accessories	4,290.11	
			01-4341	SYN APPS LICENSE	5,460.00	9,750.11
3000179175	09/08/2022	Chairez, Hollie A	01-5861	FINGERPRINTING		30.00
3000179176	09/08/2022	CITY OF EUREKA	11-5861	OPEN PO - CNA FINGERPRINTING		134.00
3000179177	09/08/2022	COALITION FOR ADEQUATE	01-5300	(Invoice) Annual Membership Fee		479.00
3000179178	09/08/2022	COASTAL BUSINESS SYS INC	01-5623	OPEN PO - Folding machine lease		315.25
3000179179	09/08/2022	CRAVEN, JOHN W D/B/A CRAVEN	23-6210	INVOICE: Inspector Fees		24,406.50
		CONSTRUCTION				
3000179180	09/08/2022	CRISIS PREVENTION INSTITUTE	01-5207	WINFIELD RECERTIFICATION		200.00
3000179181	09/08/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		8,026.89
3000179182	09/08/2022	DAN COLLINGS TREE SERVICE	01-4377	ZANE TREE REMOVAL		10,000.00
3000179183	09/08/2022	DOJ OFFICE OF THE ATTORNEY	01-5861	Open PO for Volunteer Fingerprinting		710.00
		GENERAL				

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000179184	09/08/2022	DON'S RENT ALL	01-4381	BLANKET PO - Grounds	14.20	
			01-5623	BLANKET PO - Grounds	124.53	138.73
3000179185	09/08/2022	Doyle, Brian	01-5201	MILEAGE		10.50
3000179186	09/08/2022	Dutra, Laurie J	13-5201	MILEAGE		46.94
3000179187	09/08/2022	E.L.ACHIEVE INC.	01-4310	Email PO business@elachieve.org	517.95	
				Please email PO to business@elachieve.org	4,953.61	5,471.56
3000179188	09/08/2022	EUREKA ACE HARDWARE	01-4362	OPEN PO: Transp: Parts and supplies		60.77
3000179189	09/08/2022	EUREKA NAPA AUTO	01-4362	BPO: Transportation/Motor Pool parts for vehicles		205.98
3000179190	09/08/2022	EUREKA RUBBER STAMP CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		96.89
3000179191	09/08/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		471.72
3000179192	09/08/2022	Gast, Jamie K	01-5201	MILEAGE		32.19
3000179193	09/08/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		3,130.61
3000179194	09/08/2022	Grant, Janis	01-5201	MILEAGE		21.00
3000179195	09/08/2022	HEINEMANN	01-4310	CURRICULUM BOOKS		3,088.50
3000179196	09/08/2022	HERITAGE SCHOOLS, INC	01-5852	OPEN PO for invoicing		17,615.00
3000179197	09/08/2022	HSU SPONSORED PROGRAMS FOUND	01-5800	MSW HSU PROGRAM		21,866.30
3000179198	09/08/2022	Johnston, Jennifer J	01-4310	FOOD HANDLERS TOKENS		210.00
3000179199	09/08/2022	Khounsinvong, Chellyn N	13-5201	MILEAGE		22.00
3000179200	09/08/2022	Lenderman, Kristin M	13-5201	MILEAGE		22.25
3000179201	09/08/2022	MAC'S REFRIGERATION SERVICE	13-5800	OPEN PO for Emergency Refrigeration Repairs		144.96
3000179202	09/08/2022	McCarthy, Leonard R	13-5201	MILEAGE		17.50
3000179203	09/08/2022	MCGRAW HILL	01-4110	Curriculum - Ordered uder "EPO-00001"		996.99
3000179204	09/08/2022	McKay, Angela M	13-5201	MILEAGE		11.44
3000179205	09/08/2022	PACIFIC GAS AND ELECTRIC	01-5520	OPEN PO - ELECTRICITY COSTS - ALL SITES	35,508.07	
			12-5520	OPEN PO - ELECTRICITY COSTS - ALL SITES	407.79	35,915.86
3000179206	09/08/2022	Pelren, Harmony	01-5201	MILEAGE		17.50
3000179207	09/08/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials		91.13
3000179208	09/08/2022	POWELL LANDSCAPE MATERIALS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		276.40
3000179209	09/08/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		1,316.59
3000179210	09/08/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		1,972.30
3000179211	09/08/2022	Ralston, Kevin R	13-5201	MILEAGE		37.44

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000179212	09/08/2022	RAY MORGAN CO.	01-4310	COPIER STAPLES		64.46
3000179213	09/08/2022	REMIND 101	01-4310	Renewal: Digital subscription. See note		5,556.00
3000179214	09/08/2022	S & L FOOD SALES CO.	13-4396	Open PO: Food & Supplies	3,315.26	
			13-4710	Open PO: Food & Supplies	2,926.90	6,242.16
3000179215	09/08/2022	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		876.48
3000179216	09/08/2022	SECURITY LOCK AND ALARM	01-4381	Security Lock and Alarm		25.00
3000179217	09/08/2022	SHN CONSULTING ENGINEERS AND GEOLOGISTS	23-6271	INVOICE: Engineering Fees		2,194.35
3000179218	09/08/2022	SISC III	01-9537	MEDICAL BENEFITS SEPT 2022		575,107.75
3000179219	09/08/2022	Sorden, Jeana S	13-5201	MILEAGE		12.69
3000179220	09/08/2022	STAPLES CREDIT	01-4310	zane office supplies		100.96
3000179221	09/08/2022	SYSCO	13-4396	OPEN PO: Food & Supplies	1,231.07	
			13-4710	OPEN PO: Food & Supplies	13,473.28	14,704.35
3000179222	09/08/2022	T-MOBILE	01-5921	Open PO - STUDENT HOTSPOTS		33,840.00
3000179223	09/08/2022	Temme, Christopher J	13-5201	MILEAGE		3.94
3000179224	09/08/2022	THRIFTY SUPPLY CO	01-4381	BLNKET PO FOR MAINT. SUPPLIES		801.67
3000179225	09/08/2022	Torres, Ben Joaquin	13-5201	MILEAGE		2.88
3000179226	09/08/2022	U.S. BANK BOND ADMIN	01-5884	OBLIGATION BONDS		550.00
3000179227	09/08/2022	U.S. BANK EQUIPMENT	01-5623	BRIDGES - COPIER LEASE 500-0589727	130.11	
				CORP YARD COPIER LEASE 500-0582294	117.35	
			11-5637	CNA COPIER LEASE 500-0589729	112.62	
			12-5623	OPEN PO - WCC COPIER LEASE 500-0559297	290.76	650.84
3000179228	09/08/2022	WELLNESS TOGETHER, INC	01-5207	2022 SMWC CONF. REG X 2		677.66
3000179229	09/08/2022	WEST ED	01-5800	INVOICE:		37,950.00
3000179230	09/08/2022	WILDWOOD SAW	01-4377	*Invoices* Wildwood Saw		467.30
3000179577	09/12/2022	A-Z BUS SALES INC.	01-4362	OPEN PO: Blue Bird school bus replacement parts		459.64
3000179578	09/12/2022	Amaro, Deirdre L	01-5201	MILEAGE		9.32
3000179579	09/12/2022	Amazon Capital Services	01-4310	CLASS SUPPLIES	34.61	
				ORDER Desk Chair from Amazon	174.79	
				ORDER materials	1,082.66	
				Order Shopping Cart	2,112.60	
				ORDER: 6th Grade Science and Math	181.53	
				ORDER: Bins for Community Schools Break Space	191.28	

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3000179579	09/12/2022	Amazon Capital Services		ORDER: Break/Recovery space for classrooms	2,486.84	
				ORDER: Calculators for Lifeskills class	175.98	
				ORDER: Calm Room equipment	4,579.44	
				ORDER: Clipboards for CS program	55.55	
				ORDER: Community Schools supplies	644.27	
				ORDER: Lifeskills classroom supplies	221.15	
				ORDER: PBIS Prizes	324.95	
				ORDER: PL Grant items	1,568.05	
				ORDER: Supplies for safety plan buckets	1,665.05	
				ORDER: Yuko Wenzel Classroom	89.09	
			01-5210	Order:Books for Mental Health grant	288.00	
			01-5888	ORDER CA Flag	106.94	15,982.78
3000179580	09/12/2022	AMN HEALTHCARE ALLIED INC	01-5800	OPEN PO for SLP contracted service invoices		3,800.00
3000179581	09/12/2022	ANIXTER INC	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		2,572.67
3000179582	09/12/2022	Cabrero, Giselle V	01-5861	FINGERPRINTING		30.00
3000179583	09/12/2022	CDW-G	01-4310	ORDER: Chromebook Chargers	25,368.61	
				ORDER: Tech Accessories	1,054.26	
			01-4445	ORDER: See notes	6,574.90	32,997.77
3000179584	09/12/2022	CITY OF EUREKA	01-5530	AP OPEN PO - WA WATER (NP)	3,869.58	
				D.O. WATER	642.33	
				WATER - EHS	3,903.49	8,415.40
3000179585	09/12/2022	CITY OF EUREKA - ALARMS	01-5800	INVOICE: False Alarm Fee		50.00
3000179586	09/12/2022	Daugherty, Kimberly K	01-5861	FINGERPRINTING		30.00
3000179587	09/12/2022	Douglass, Samantha K	01-5861	FINGERPRINTING		30.00
3000179588	09/12/2022	ECS REVOLVING FUND	01-5950	POSTAL RETURNED MAIL ACCT		100.00
3000179589	09/12/2022	Evans, Ronda L	01-5201	MILEAGE		63.34
3000179590	09/12/2022	FASTENAL COMPANY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		54.18
3000179591	09/12/2022	Fowler, Joseph R	01-4310	FLOOR MATS		22.46
3000179592	09/12/2022	Gaiera, Heather A	01-5210	AVID CONF. MEALS		222.00
3000179593	09/12/2022	GOSSELIN AND SONS	01-4363	BLANKET PO FOR MATERIALS AND SUPPLIES		337.48
3000179594	09/12/2022	HEINEMANN	01-4310	FOUNTAS BOOKS	4,566.65	
				ORDER: ELA curriculum	2,319.38	6,886.03
3000179595	09/12/2022	JAMES MARTA & COMPANY LLP	01-5800	INVOICE: Auditor Fees		17,650.00

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3000179596	09/12/2022	Johnson, Jennifer L	01-5201	MILEAGE COMMUNITY		21.13
3000179597	09/12/2022	JONES, JULIE	01-5861	FINGERPRINTING		30.00
3000179598	09/12/2022	KEENAN SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		388.18
3000179599	09/12/2022	Latonio, Crystal M	01-5861	FINGERPRINTING		30.00
3000179600	09/12/2022	MANTANI, EDMOND	01-5861	FINGERPRINTING		30.00
3000179601	09/12/2022	MCGRAW HILL	01-4310	Please email PO aliyah.utush@mheducation.com		3,474.74
3000179602	09/12/2022	MCNALLY, BRENDAN	01-5861	FINGERPRINTING		30.00
3000179603	09/12/2022	MENDES SUPPLY	01-9320	VFS Restock		39,818.32
3000179604	09/12/2022	Merideth-Sutke, Michelle A	01-4310	CLASSROOM SUPPLIES		40.93
3000179605	09/12/2022	MISSION LINEN	12-5800	Open PO for Mission Linen biweekly rug service		18.31
3000179606	09/12/2022	PICK, JOHANNA	01-5861	FINGERPRINTING		30.00
3000179607	09/12/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials		119.98
3000179608	09/12/2022	QUADIENT LEASING	01-5950	NO PURCHASING PREPAID POSTAGE		20,000.00
3000179609	09/12/2022	RAMONE'S BAKERY & CAFE	01-4393	P.D. REFRESHMENTS		502.19
3000179610	09/12/2022	RECOLOGY EEL RIVER FORTUNA TRANSFER	01-5800	A/P Open PO for E-Waste		35.20
3000179611	09/12/2022	ROBERTS, SHELBY	01-5861	FINGERPRINTING		30.00
3000179612	09/12/2022	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		1,114.20
3000179613	09/12/2022	SCHOOL SPECIALTY LLC	01-4421	Tables for D.O. Board Room (already ordered)		6,172.32
3000179614	09/12/2022	SHAFER'S HARDWARE	01-4377	BLANKET PO: MAINT. SUPPLIES		41.04
3000179994	09/15/2022	Allen, Katherine D	01-5201	MILEAGE		14.88
3000179995	09/15/2022	AMERICAN STAR	01-4310	INVOICE: American Star		418.50
3000179996	09/15/2022	BANK OF MARIN	23-6250	Open PO for EHS Gym Project/Escrow		62,769.03
3000179997	09/15/2022	BICOASTAL MEDIA	01-5831	OPEN PO: ADVERTISING, FLAT MONTHLY AMOUNT		200.00
3000179998	09/15/2022	Boyd, Sarah J	01-5201	MILEAGE		10.38
3000179999	09/15/2022	BRINK'S INCORPORATED *	01-5800	Open PO - Courier Service		300.09
3000180000	09/15/2022	BROWN, MORGAN	01-5800	TRANSLATING		200.00
3000180001	09/15/2022	CALIF. DEPT. OF TAX & FEE ADMI	01-5881	Q1 2022 SALES/USE TX PEN/INT	113.55	
			01-9580	Q1 2022 REVISED SALES/USE TAX	2,337.00	2,450.55
3000180002	09/15/2022	CDW-G	01-4310	ORDER: Tech Accessories		30.33
3000180003	09/15/2022	CRISIS PREVENTION INSTITUTE	01-5300	CPI RECERTIFICATION		200.00
3000180004	09/15/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		5,051.22

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Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000180005	09/15/2022	Dudley, Christopher L	01-4310	CLASSROOM POSTERS		78.66
3000180006	09/15/2022	EARTHLY EDIBLES	13-4710	OPEN PO: Local Fruits & Vegetables		180.00
3000180007	09/15/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		237.00
3000180008	09/15/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		2,427.12
3000180009	09/15/2022	Guerrero, Patricia D	01-4310	ART PENCILS		294.76
3000180010	09/15/2022	Hammons, Trevor	01-4310	NEW STUDENT ORIENTATION SUPPLIES		424.13
3000180011	09/15/2022	Haraldson, Andrew D	01-4310	CLASS POSTER		83.29
3000180012	09/15/2022	HCI AUDIOMETRICS INC.	01-5635 (invoice)	Annual service of hearing equip		523.14
3000180013	09/15/2022	KARP, JARED	01-5861	FINGERPRINTING		30.00
3000180014	09/15/2022	LITERACY RESOURCES LLC Heggerty	01-4310	ORDER materials		1,153.44
3000180015	09/15/2022	MANTOVA'S TWO STREET MUSIC	01-4310	A/P Open PO for Elementary Music		841.23
3000180016	09/15/2022	MENDES SUPPLY	01-4376	BLANKET PO LAUNDRY	1,145.14	
			01-9320	VFS Restock	369.51	1,514.65
3000180017	09/15/2022	Miller, Heather J	01-5201	MILEAGE		155.51
3000180018	09/15/2022	MORGAN, JACOB	01-5861	FINGERPRINTING		30.00
3000180019	09/15/2022	POWELL, REENA	01-5861	FINGERPRINTING		30.00
3000180020	09/15/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		4,754.83
3000180021	09/15/2022	Rollings, Jacquelyn R	01-4310	OFFICE SUPPLIES		73.95
3000180022	09/15/2022	RYE, WILLIAM	01-5861	FINGERPRINTING		30.00
3000180023	09/15/2022	S & L FOOD SALES CO.	13-4710	Open PO: Food & Supplies		2,461.38
3000180024	09/15/2022	SAMMY'S BBQ & CATERING	01-4393	PD REFRESHMENTS		454.75
3000180025	09/15/2022	SCHOOL AND COLLEGE LEGAL SERV.	01-5207	OPEN PO for training registration		315.00
3000180026	09/15/2022	SCHOOL SPECIALTY LLC	01-9320	VFS Restock		23.20
3000180027	09/15/2022	SHAFER'S HARDWARE	01-4310	Open PO for Shafer's Hardware		89.44
3000180028	09/15/2022	SILKE COMMUNICATIONS	01-4310	INVOICE: Walkie-Talkies		4,016.21
3000180029	09/15/2022	SYSCO	13-4710	OPEN PO: Food & Supplies		796.14
3000180030	09/15/2022	THOMPSON BUILDERS	23-6250	Open PO for EHS Gym Project		1,192,611.61
3000180031	09/15/2022	U.S. BANK CORPORATE PMT	01-4310	BOARD MEMBER NAME PLATE	25.54	
				BOARD MEMBER PHOTO	240.90	
				BOARD PHOTOS	1.53	
				BOOKS	487.62	
				BSKETBALL BACKPKS	1,392.94	
				BUSINESS OFF. SUPPLIES	41.90	
				CURRICULUM	5,710.72	
				FRAN TAPLIN PLAQUE	1,037.78	
				MENTAL HEALTH GR MATERIALS	32.73	
				MENTAL HEALTH GRANT MATERIALS	1,465.53	

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3000180031	09/15/2022	U.S. BANK CORPORATE PMT		MENTAL HLTH GR SUPPLIES	628.26	
				OFFICE SUPPL	65.68	
				OFFICE SUPPLIES	461.32	
				PLAY EQUIPMENT	1,196.30	
				WINSH OFF SUPPL	150.68	
				WINSH OFFICE SUPPL	89.53	
				WINSHIP OFF SUPPL	193.94	
			01-4314	PSYCH ASSESSMENTS	250.00	
				PSYCH ASSESSMTS	1,094.93	
			01-4351	OFFICE SUPPLIES	777.72	
			01-4381	A.B. TABLETOP REPL	594.52	
			01-4393	BOARD MTG DINNER	136.02	
				CABINET MTG LUNCH	66.69	
				LUNCH MTG W/TRUSTEE	27.50	
				MEETING REFRESH	9.40	
				P.D. REFRESHMENTS	259.68	
				PD REFRESHMENTS	247.29	
			01-5207	BREAKTHROUGH COACH TRAINING	695.00	
				CAL APT CONF. REGISTRATION	490.00	
				CSBA REG. STUDENT BOARD MBR	100.00	
				CSBA STUDENT BD MBR REG REFUND	100.00-	
			01-5210	VL CONF PARKING	42.00	
				VL CONF TRVL	70.00	
				VL CONF.	1,611.24	
				VL CONF. TRVL AIRFARE	948.13	
			01-5300	EDJOIN SUBSCR	862.50	
				ROTARY MBRSH	470.00	
			01-5831	16 X \$20 ADVERTISEMT	320.00	
				FACEBOOK ADV.	400.00	
				FACEBOOK ADVERTISING	114.75	
				PRINTING - NEW EMPL FOLDERS	881.56	
			01-5881	TOLL BRIDGE FEE	14.35	
			01-5884	TOXIC	22.50	
			01-5950	CCSPP AMENDED GAN POSTAGE	7.85	
				CCSPP GAN POSTAGE	7.85	
			11-4310	BOOKS FOR ADULT ED	532.60	
			12-4310	SCHOOL SUPPLIES	19.22	

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3000180031	09/15/2022	U.S. BANK CORPORATE PMT	13-4396	BEV. CONTAINER	565.96	
				DISTILLED WATER	9.78	
				POSTERS / PRINTS	530.96	
			13-4710	FOOD	142.32	
				FRESH FRUIT / VEG	199.63	
			23-6250	EHS SCI BLDG APPLIANCES	4,260.93	
				Unpaid Tax	483.52-	29,422.26
3000180032	09/15/2022	U.S. BANK EQUIPMENT	01-5623	EHS 2 COPIER LEASES		181.26
3000180033	09/15/2022	VADAS, KATHRYN	01-5861	FINGERPRINTING		30.00
3000180034	09/15/2022	VALLEY PACIFIC	01-4364	NO ACTION: FOR FUEL	5,887.96	
				Open PO for EHS Athletics Gas	1,381.27	
			01-4365	NO ACTION: FOR FUEL	3,690.52	10,959.75
3000180035	09/15/2022	VARSITY ICE CREAM	01-4310	NEW STUDENT ORIENTAITON TREATS		108.00
3000180036	09/15/2022	WILSON, JENNIFER	01-5861	FINGERPRINTING		30.00
3000180394	09/19/2022	'SPORT & CYCLE	01-4310	INVOICE: Sport & Cycle		3,087.44
3000180395	09/19/2022	ADVANCED SECURITY SYSTEMS	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	8.62	
			01-5635	BLANKET PO FOR MATERIALS AND SUPPLIES	95.00	103.62
3000180396	09/19/2022	Amazon Capital Services	01-4310	ORDER: Break/Recovery space for classrooms	9.82-	
				SUMMER SCHOOL SUPPL	693.42	683.60
3000180397	09/19/2022	AMERICAN STAR	01-5851	Open PO for Security Services		3,038.00
3000180398	09/19/2022	BAKER, DOUGLAS	01-5861	FINGERPRINTING		30.00
3000180399	09/19/2022	BIG VALLEY SANITATION	13-5800	(INV) Grease trap pumping 2 times annually		142.00
3000180400	09/19/2022	Budesa, Alex R	01-4310	CLASS SUPPLIES		341.27
3000180401	09/19/2022	Camp, Jessica M	01-4310	CLASS SUPPLIES		102.70
3000180402	09/19/2022	CAMPTON ELECTRIC	01-4381	BLANKET PO FOR MATERIALS		513.58
3000180403	09/19/2022	CATALDO, CHRISTINE	01-5861	FINGERPRINTING		30.00
3000180404	09/19/2022	CDW-G	01-4445	ORDER: See notes		1,013.11
3000180405	09/19/2022	CITY OF EUREKA	01-5800	Open PO for POLICE SERVICES		4,606.44
3000180406	09/19/2022	DON'S RENT ALL	01-5623	BLANKET PO - Grounds		160.18
3000180407	09/19/2022	Eden, Daniel C	01-4393	ELAS REFRESH		104.56
3000180408	09/19/2022	EUREKA ACE HARDWARE	01-4381	BLANKET PO: MAINT. SUPPLIES		42.33
3000180409	09/19/2022	EUREKA GLASS CO.	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		508.58
3000180410	09/19/2022	EUREKA OXYGEN	01-5623	Open PO for tank rentals		193.00

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3000180411	09/19/2022	EUREKA RUBBER STAMP CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		37.95
3000180412	09/19/2022	FASTENAL COMPANY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		212.57
3000180413	09/19/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		223.60
3000180414	09/19/2022	Gonsalves, Kari A	01-4393	PD REFRESH		30.55
3000180415	09/19/2022	GOSSELIN AND SONS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		75.00
3000180416	09/19/2022	Hammons, Trevor	01-4393	PD REFRESH		351.60
3000180417	09/19/2022	HUMBOLDT WASTE MANAGEMENT AUTH	01-5511	OPEN PO for Waste Disposal	7,408.90	
			01-5560	BLANKET PO: Green Waste Disposal	136.99	7,545.89
3000180418	09/19/2022	KARGES, VALENCIA	01-5861	FINGERPRINTING		30.00
3000180419	09/19/2022	KEENAN SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		217.48
3000180420	09/19/2022	Kiewel, Laura J	01-5950	POSTAGE		5.68
3000180421	09/19/2022	Lockard, Keri	01-4310	STUDENT SCHOOL SUPPLIES		362.12
3000180422	09/19/2022	MAC'S REFRIGERATION SERVICE	13-5800	OPEN PO for Emergency Refrigeration Repairs		110.00
3000180423	09/19/2022	MARSH, EVERETT	01-5861	FINGERPRINTING		30.00
3000180424	09/19/2022	MENDES SUPPLY	01-4376	BLANKET PO LAUNDRY		366.16
3000180425	09/19/2022	MILL YARD, THE	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		433.62
3000180426	09/19/2022	MILLER FARMS NURSERY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		188.54
3000180427	09/19/2022	Miller, Heather J	01-4310	SPED SUPPLIES		53.97
3000180428	09/19/2022	MISSION LINEN	12-5800	Open PO for Mission Linen biweekly rug service		18.31
3000180429	09/19/2022	NORTH COAST REGION CATA	01-5207	FFA FALL ROADSHOW		600.00
3000180430	09/19/2022	OGBURN GILLETTE, LINDA	01-5861	FINGERPRINTING		30.00
3000180431	09/19/2022	PARADIGM HEALTH CARE SERVICES	01-5800	AP - OPEN PO FOR LEA BILLING		703.08
3000180432	09/19/2022	PIERSON BLDG CENTER	01-4377	Blanket PO for supplies and materials	83.86	
			01-4381	Blanket PO for supplies and materials	291.05	374.91
3000180433	09/19/2022	PLATT ELEC SUPPLY INC	01-4381	BLANKET PO FOR MAINTENEANCE SUPPLIES		84.53
3000180434	09/19/2022	POWELL LANDSCAPE MATERIALS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		528.50
3000180435	09/19/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		218.21
3000180436	09/19/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		4,615.07

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000180437	09/19/2022	RAMONE'S BAKERY & CAFE	01-4393	PD REFRESHMENTS		170.35
3000180438	09/19/2022	RAY MORGAN CO.	01-5637	105/106/107 RAY MORGAN MAINT AGR	149.46	
				BLANKET PO TECH MAINT AGR	65.11	
				BPO - WASH -RAY MORGAN MAINT AGR	299.07	
				BPO - WINSHIP RAY MORGAN MAINT	815.91	
				BPO LAF RAY MORGAN COPIER MAINT	847.32	
				BPO MFRC RAY MORGAN MAINT	65.11	
				BPO SUPER MAINT AGR	55.73	
				BPO ZANE - RAY MORGAN MAINT AGR	1,269.12	
				BUS SVCS COPIER AGR	809.17	
				EHS COPIER MAINT	702.29	
				OPEN PO: CORP SECRETARY COPIER MAINT	52.60	
				SEE NOTES: A/P OPEN PO: GRANT MAINT AGR	715.85	
				warehouse copier maint agr	27.64	5,874.38
3000180439	09/19/2022	Rice, Elizabeth N	12-4310	STUDENT SUPPLIES		9.37
3000180440	09/19/2022	S & L FOOD SALES CO.	13-4396	Open PO: Food & Supplies	2,814.86	
			13-4710	Open PO: Food & Supplies	3,243.72	6,058.58
3000180441	09/19/2022	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		1,256.24
3000180442	09/19/2022	SECURITY LOCK AND ALARM	01-4381	Blanket PO		43.15
3000180443	09/19/2022	SHAFER'S HARDWARE	01-4377	BLANKET PO: MAINT. SUPPLIES		68.85
3000180444	09/19/2022	SHRED AWARE LLC	01-5800	Open PO		152.44
3000180445	09/19/2022	SYSCO	13-4396	OPEN PO: Food & Supplies	83.90	
			13-4710	OPEN PO: Food & Supplies	3,724.99	3,808.89
3000180446	09/19/2022	THRIFTY SUPPLY CO	01-4381	BLNKET PO FOR MAINT. SUPPLIES		385.73
3000180447	09/19/2022	UNITED RENTALS	01-5623	BLANKET PO FOR MATERIALS AND SUPPLIES		1,146.79
3000180448	09/19/2022	VALLEY PACIFIC	01-4361	TRANSP SUPPLIES		150.44
3000180449	09/19/2022	Wagner, Tammi Z	01-4393	PD REFRESH		16.44
3000180450	09/19/2022	WALKLEY, MEG	01-5800	SSW INTERN TRAINING/PLANNING		1,400.00
3000180451	09/19/2022	WESTERN CHAIN SAW	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		135.17
3000180452	09/19/2022	Wirt, Whitney C	01-4310	PBIS AWARDS		26.54
3000180759	09/22/2022	AT&T	01-5922	OPEN PO - 831 - DISTRICT WAN		3,695.20
3000180760	09/22/2022	CASSARO'S CATERING	01-4393	INVOICE: Cassaro's Catering for PD		1,153.68
3000180761	09/22/2022	CDW-G	01-4381	LCD PROJ - PO22-00310		4,151.50

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000180762	09/22/2022	CITY OF EUREKA	01-5530	D.O. WATER	2,749.47	
				WATER - ALICE BIRNEY	1,417.37	
				WATER - EHS	8,524.02	
				WATER - TECH CENTER	467.51	
				WATER - ZANE	12,843.35	
				WATER - ZOE	1,199.39	
			12-5530	WATER - WINZLER CC	619.73	27,820.84
3000180763	09/22/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		9,416.03
3000180764	09/22/2022	DON'S RENT ALL	01-5623	BLANKET PO - Grounds		1,011.93
3000180765	09/22/2022	EUREKA NAPA AUTO	01-4362	BPO: Transportation/Motor Pool parts for vehicles		1,668.68
3000180766	09/22/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		195.12
3000180767	09/22/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		8,307.91
3000180768	09/22/2022	GOSSELIN AND SONS	01-4366	BLANKET PO FOR MATERIALS AND SUPPLIES		148.00
3000180769	09/22/2022	KEENAN SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		12.70
3000180770	09/22/2022	MAC'S REFRIGERATION SERVICE	13-5800	OPEN PO for Emergency Refrigeration Repairs		173.37
3000180771	09/22/2022	MCGRAW HILL	01-4310	Please email PO aliyah.utush@mheducation.com		741.79
3000180772	09/22/2022	MENDES SUPPLY	01-9320	po22-00325 stores	1,113.90	
				VFS Restock	217.63	1,331.53
3000180773	09/22/2022	NORTHCOAST PARTNERS INC D/B/A CRYSTAL SPRINGS BOTTLED WATER	01-5800	DO WATER	163.00	
				EHS WATER	68.00	
				GRANT WATER	90.00	
				LAF WATER	99.00	
				TECH WATER	59.00	
				WATER SERVICE	23.00	
				WINZLER WATER	19.50	
				ZANE WATER	77.00	598.50
3000180774	09/22/2022	PETTY CASH	13-4710	cafeteria petty cash replenish		295.92
3000180775	09/22/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials		27.30
3000180776	09/22/2022	POWELL LANDSCAPE MATERIALS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		1,243.81
3000180777	09/22/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		45.66
3000180778	09/22/2022	PRESENCE LEARNING INC	01-5800	OPEN PO for Speech Services		7,636.13

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000180779	09/22/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		975.45
3000180780	09/22/2022	RAY MORGAN CO.	01-4310	Please order. See note.	1,089.22	
			01-5637	BPO - WASH -RAY MORGAN MAINT AGR	88.58	
				BPO ZANE - RAY MORGAN MAINT AGR	865.73	
				BPO:(2) ZOE AND LRNING	80.53	
				CTR//RMORGAN MAINT AGR		
				BUS SVCS COPIER AGR	281.85	
				EHS COPIER MAINT	819.63	
				SEE NOTES: A/P Open PO: A.B. MAINT AGR	88.70	
				SEE NOTES: A/P OPEN PO: GRANT MAINT AGR	152.79	3,467.03
3000180781	09/22/2022	S & L FOOD SALES CO.	13-4396	Open PO: Food & Supplies	599.98	
			13-4710	Open PO: Food & Supplies	2,110.05	2,710.03
3000180782	09/22/2022	SCHOOL NURSE SUPPLY	01-4310	OPEN PO for health supplies		870.48
3000180783	09/22/2022	SCHOOL SPECIALTY LLC	01-9320			733.55
3000180784	09/22/2022	SPURR	01-5511	Open PO Spurr All Sites	7,853.99	
			12-5511	Open PO Spurr All Sites	78.00	7,931.99
3000180785	09/22/2022	SYSCO	13-4396	OPEN PO: Food & Supplies	293.66	
			13-4710	OPEN PO: Food & Supplies	8,662.26	8,955.92
3000180786	09/22/2022	TCI TEACHERS' CURRICULUM INST	01-4310	Email PO to dmorrow@teachtci.com		151,654.20
3000180787	09/22/2022	U.S. BANK CORPORATE PMT	01-4310	ED TECH RESOURCES	323.05	
				ELEM SUMMER - SUPP	93.51	
				INDIAN ED SUPPL	1,172.47	
				OFFICE SUPPLIES	87.45	
				SUMMER SCH CURR	71.97	
				SUMMER SCH CURR EHS	77.32	
				SUMMER SCH CURR ELE	665.24	
				SUMMER SCH CURR ELEM	30.29	
				SUMMER SCH CURR REFUND	8.50-	
				SUMMER SCH EHS	38.19	
				SUMMER SCH SUPP	257.84	
				SUMMER SCH SUPP EHS	8,713.35	
				SUMMER SCH SUPP ELE	1,159.22	
				SUMMER SCH SUPP MS	1,191.91	
				SUMMER SCH SUPPL	3,803.98	
				SUMMER SCH SUPPL ELE	218.20	
				SUMMER SCH SUPPL MS	281.06	
			01-5210	AVID CONF H V.W	.01	

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000180787	09/22/2022	U.S. BANK CORPORATE PMT		AVID CONF HILTON DISPUTED	47.04	
				TRAVEL CHG FEE	100.00	
				VL CONF	1,554.90	
				VL CONF TRVL	41.87	
				VL CONF TRVL - REG	1,848.00	
				VL PUZZ REPAID CK #8729	36.50	
				VL SILVERS REPD CK #97	16.45	
				VL TRVL CHG FEE	175.00	
			73-4310	ASES GRANT WISH LIST	7.53	22,003.85
3000180788	09/22/2022	U.S. BANK EQUIPMENT	01-5623	A.B. COPIER LEASE 500-0564851	1,072.75	
				EHS 2 COPIER LEASES	1,735.66	
			01-5881	PENALTY/INT	98.19	2,906.60
3000181614	09/29/2022	Adams, Nikkole S	01-4310	CLASSROOM SUPPLIES		24.35
3000181615	09/29/2022	AMERICAN FIDELITY ADMIN. SERVICES	01-5800	Open PO for American Fidelity		769.25
3000181616	09/29/2022	ANIXTER INC	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		6,334.57
3000181617	09/29/2022	CAMPTON ELECTRIC	01-4381	BLANKET PO FOR MATERIALS		143.94
3000181618	09/29/2022	CDW-G	01-4445	ORDER: Tech Misc Computers		905.68
3000181619	09/29/2022	Charles Mikeal Confer	01-5800	OPEN PO for Invoicing		675.00
3000181620	09/29/2022	CRISIS PREVENTION INSTITUTE	01-5207	Registration		3,499.00
3000181621	09/29/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		8,460.64
3000181622	09/29/2022	DAZEY'S ARCATA	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		732.48
3000181623	09/29/2022	DOJ OFFICE OF THE ATTORNEY GENERAL	01-5861	Open PO for Volunteer Fingerprinting		2,353.00
3000181624	09/29/2022	FASTENAL COMPANY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		59.03
3000181625	09/29/2022	FED EX FREIGHT	01-4310	FREIGHT TO RETURN BOOKS		77.00
3000181626	09/29/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		108.00
3000181627	09/29/2022	Gast, Jamie K	01-4310	SPED SUPPLIES		44.97
3000181628	09/29/2022	HSU SPONSORED PROGRAMS FOUND	01-5800	MSW - HSU REIMB COSTS		60,336.10
3000181629	09/29/2022	Johnston, Jennifer J	01-4310	CULINARY SUPPLIES		266.61
3000181630	09/29/2022	MENDES SUPPLY	01-4381	*Invoice* Mendes	78,042.41	
				Washing Mach Hoses Mendes	129.76	78,172.17
3000181631	09/29/2022	MILLER FARMS NURSERY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		25.82
3000181632	09/29/2022	PARADIGM HEALTH CARE SERVICES	01-5800	AP - OPEN PO FOR LEA BILLING		200.00
3000181633	09/29/2022	RECOLOGY HUMBOLDT COUNTY	01-4310	OPEN PO: Recology Fee June 22-June 23		2,632.52

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Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000181634	09/29/2022	Rodriguez, Beverly K	73-4310	SCIENCE SUPPLIES		29.09
3000181635	09/29/2022	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		422.40
3000181636	09/29/2022	SHAFER'S HARDWARE	01-4377	BLANKET PO: MAINT. SUPPLIES		24.65
3000181637	09/29/2022	Steeves, Robert L	01-4374	CUSTODIAL SUPPLIES		37.12
3000181638	09/29/2022	STOCKTON, TAFFY	01-5800	MHDG CONSULTING 88.25 HRS		8,825.00
3000181639	09/29/2022	THRIFTY SUPPLY CO	01-4381	BLNKET PO FOR MAINT. SUPPLIES		111.05
3000181640	09/29/2022	WILDWOOD SAW	01-4377	Wildwood Saw		402.52
3000181641	09/29/2022	Wilson, Holly R	01-4310	CLASS SUPPLIES		50.93
Total Number of Checks					354	<u><u>3,023,439.01</u></u>

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	294	1,532,931.27
11	ADULT EDUCATION FUND	4	1,299.71
12	CHILD DEVELOPMENT FUND	8	1,461.49
13	CAFETERIA FUND	46	128,840.95
23	EUREKA CITY SCHOOLS ME/	7	1,296,244.22
67	SELF INSURANCE FUND-VISI	1	10,895.00
68	SELF INSURANCE FUND-DEI	1	52,198.00
73	FOUNDATION TRUST FUND	3	51.89
Total Number of Checks		354	3,023,922.53
Less Unpaid Tax Liability			483.52
Net (Check Amount)			<u><u>3,023,439.01</u></u>

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AGENDA ITEM

Agenda Title: Agreement between Eureka City Schools (ECS) and Craven Construction Services for Inspection Services: Eureka High School Science Building Project

Meeting Date: October 27, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the Inspection Services Agreement between Eureka City Schools and Craven Construction Services for the EHS Science Building Project.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The District is in need of competent, adequate, and continuous inspection services during construction of the project for the District to meet the requirements of the statutes of the State of California and the California Code of Regulations governing construction of school buildings.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 19: New and Modernized Facilities

HISTORY *(list previous staff or board action(s) with dates if possible)*

The project is part of the Measure S bond language and on the Governing Board's project list.

Craven Construction Services is currently the Inspector of Record for the gymnasium project.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

See agreement, Article III, 3.2.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ Agreement

Contract Between
Eureka City Schools
And
John Craven
Craven Construction Services
For Inspection Services

This contract is entered into effect the 7th day of October, 2022 by and between Eureka City Schools, hereinafter referred to as the “District”, and John Craven, hereinafter referred to as the “Inspector”.

Recitals

WHEREAS, the District intends to undertake projects/or projects, which will be referred to as the “the Project”; and

WHEREAS, the District has retained an architect/engineer for this project who is hereinafter referred to as the “Architect”; and

WHEREAS, the District is in need of competent, adequate and continuous inspection services during the construction of the Projects both for the District’s benefit and in order for the District to meet the requirements of the statutes of the State of California and the California Code of Regulations governing the construction of school building; and

WHEREAS, the Inspector has warranted to the District that he is fully trained, competent and able to provide the inspection services needed by the District and required by the laws and regulations of the State of California and he is duly registered as a construction inspector pursuant to the California Registered Construction Inspectors Law (Business and Professions Code section 9100 et seq.)

NOW, THEREFORE, THE District and the inspector agree as follows:

ARTICLES I – THE PROJECT

- 1.1** The Project for which the Inspector is to provide inspection services for Eureka City Schools is Alterations to Building C, Science Building at Eureka High School. The building is approximately 30,024 square feet in size, single story and constructed of masonry and wood walls with a wood framed roof deck. Alterations to eight science labs, two classrooms, two areas of restrooms, subsidiary areas, and interior corridors. This project includes selective demolition, with hazardous material abatement. Work will be performed under DSA Project File #12-H2, Application #01-119964 as approved by DSA on June 3, 2022

ARTICLES II – INSPECTION SERVICES

- 2.1** The Inspector shall provide those services required of inspectors set forth in California Code of Regulations Title 24 Part 1 Chapter 4 and the applicable provision in the Education Code governing the services of inspectors on school construction sites, including but not limited to Education Code section 17311. In performing these services, the Inspector shall submit a copy of all reports required by Code to the Director of Maintenance and Facilities of the District, or his or her designee, in addition to supplying copies to the other parties as required by code.

- 2.2** In addition to the services required by Section 2.1, the inspector shall do the following:
- A. Prepare and maintain at the job site a “clean” set of plans and specifications incorporating any changes approved by change order.
 - B. Collect material samples as required by the State, the Architects or the District for laboratory testing.
 - C. Notify the District’s testing laboratory when special inspections and material testing is required.
 - D. Attend pre-construction conferences, periodic job meetings, and any other special meeting as may be required by the District or the Architect.
 - E. Represent the District under the direction of its Director of Maintenance and Facilities, or his or her designee, as instructed by the District.
 - F. Maintain a log of all inspections and a daily progress report. Semi-monthly reports to be submitted to the District, Division of State Architect (DSA), and the Architect.
 - G. Review and approve the percentages of completion as set forth in the contractor’s payment application for each pay period.
 - H. Prepare such other reports and perform such other duties as may be required by the District.

ARTICLE III – WORKING HOURS AND COMPENSATION

- 3.1** The Inspector shall work on an as needed basis by the District with normal working hours being eight-ten hours per day, Monday through Friday of each week between the hours of 7:00am-5:00pm, excluding holidays. Minimum work day is 4 hrs. If it is necessary to perform additional services or to engage assistant inspectors to provide necessary inspection, the inspector shall do so only with the District’s written approval. The Inspector agrees to devote inspection time as necessary to perform the services required by this contract in a competent and adequate and continuous manner as required by the California Code of Regulations.
- 3.2** The hourly rate for inspection services starting is \$115.00 per hour. The hourly rate applies to all job site hours, office hours, travel time from home office to job site, local housing to the job site, and any job related travel. Travel is billed at 75 cents per mile for all job related travel: home office to job site, lodging to job site. In addition a per diem allowance of \$50.00 per day based on 5 days per week (\$250.00 week) for housing and food allowance. Any overtime would require approval by the District in advance. The above rates assume a site office be provided by the Contractor or District for the Inspector with phone and internet access.
- 3.3** The Inspector shall submit monthly invoices for payment.

ARTICLE IV – TERM AND TERMINATION

- 4.1** The term of this contract shall run from the date of execution until the completion of the Project unless otherwise terminated as provided herein. Either the District or the Inspector may terminate this contract without cause by giving the other party thirty (30) days advance written notice. Also, the District or the Inspector may terminate this contract at any time that the Inspector or the District fails to perform the services required in conformance with the provisions of this contract by giving the Inspector or the District five (5) days advance written notice. This contract may be terminated upon acceptance by the Inspector and the District of a new or revised contract.

ARTICLE V – GENERAL CONDITIONS

- 5.1** The Inspector shall perform his services under the direction of the District with the approval and concurrence of DSA. Such services shall be performed in a manner satisfactory to the District.
- 5.2** The parties hereto understand and agree that the Inspector is an independent contractor and in no way is, nor shall be construed to be, an employee of the District in the performance of this contract. Inspector shall have control of the work and the manner in which it is performed under this contract.
- 5.3** In performing the services under this contract, the Inspector shall in no way warrant or be responsible for the Contractors' performance on the Project or the work done by others and no such warranty is intended or implied.
- 5.4** Any special testing or inspections, other than those required by the applicable building codes, State statutes or the California Code of Regulations, will be made only as directed by the District and will be paid for by the District.
- 5.5** District has relied upon the professional ability and training of Inspector as a material inducement to enter into this contract. Inspector hereby warrants that all his or her work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws.
- 5.6** Inspector represents that he or she presently has no interest with would conflict in any manner or degree with the performance of services contemplated by this contract. Inspector further represents that in the performance of this contract, no person having such interest will be employed.
- 5.7** This contract shall be governed by California law, and venue shall be in the Superior Court of the County of Humboldt, California, and no other place.
- 5.8** This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the contract. No modification of this contract shall be effective unless and until such modification is evidenced by a writing signed by both parties.
- 5.9** Neither party hereto shall assign, sublet or transfer any interest in this contract or any duty hereunder without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- 5.10** There are no intended third-party beneficiaries to this contract.
- 5.11** The waiver by District of any breach of any term or promise contained in this contract shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this contract.

ARTICLE VI - INDEMNITY

- 6.1** Inspector shall indemnify, defend and save the District, its Board of Trustees, officers, agents, and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Inspector's performance of or failure to perform any of the duties contemplated by this contract or for any tax liability arising out of this contract.

ARTICLE V – INSURANCE

With respect to the performance of work under this contract, Inspector shall maintain and shall require all of his or her subcontractors, if any, to maintain insurance as indicated below:

(a) ___ Commercial or Comprehensive General Liability insurance covering bodily injury and property damage using an occurrence policy form, in an amount no less than \$1,000,000 per occurrence, \$2,000,000 aggregate. Such insurance shall include, but not be limited to: premises and operations liability, independent inspector's liability, and personal injury liability.

(b) ___ Automobile liability insurance covering bodily injury and property damage in an amount no less than \$1,000,000 combined single limit for each occurrence. Such insurance shall include coverage for owned, hired, and nonowned vehicles.

(c) Each such comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:

(1) District, its officers and employees, is named as additional insured for all liability arising out of the operations by or on behalf of the named insured in the performance of this contract.

(2) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company's liability.

(3) The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss.

(4) This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.

(d) Professional Liability (Errors and Omissions) Insurance for all activities of the Inspector arising out of or in connection with this contract is an amount no less than \$1,000,000 combined single limit for each occurrence endorsed with the following specific language: "This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District."

(e) Documentation: The following documentation shall be submitted to the District:

(1) Properly executed certificates of insurance clearly evidencing all coverages, limits, and endorsements required above. The certificates shall be submitted prior to commencement of services under this contract.

(2) Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this contract.

(3) Upon District's written request, certified copies of insurance policies. Such policy copies shall be submitted within thirty (30) days of District's request.

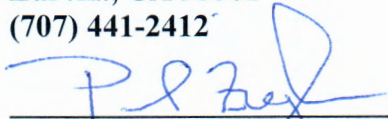
(f) Policy Obligations: Inspector's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

(g) Material Breach: If Inspector, for any reason, fails to maintain insurance coverage which is required pursuant to this contract, the same shall be deemed a material breach of contract. District, at its sole option, may terminate this contract and obtain damages from the Inspector resulting from the

to Inspector, District may deduct from sums due to Inspector any premium costs advanced by District for such insurance. These remedies shall be in addition to any other remedies available to District.

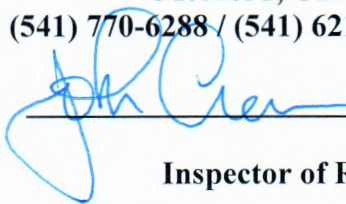
IN WITNESS WHEREOF, the parties have executed this contract on the date shown above.

Paul Ziegler
Eureka City Schools
2100 J Street
Eureka, CA 95501
(707) 441-2412



Assistant Superintendent of Business Services

John Craven
Craven Construction Services
3755 East Barnett Road
Medford, OR 97504
(541) 770-6288 / (541) 621-0216



Inspector of Record

AGENDA ITEM

Agenda Title: Approval of Independent Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the audit agreement with James Marta & Company, LLP for fiscal years ending June 30, 2023, 2024, and 2025.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

An independent fiscal audit is provided annually.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

The current agreement ended June 30, 2022.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The annual cost of the audit, which remains flat over the three years of the agreement is:

Year ending June 30, 2023: \$43,000

Year ending June 30, 2024: \$43,000

Year ending June 30, 2025: \$43,000

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Audit Agreement



James Marta & Company LLP
Certified Public Accountants

Accounting ▪ Audit ▪ Consulting ▪ Tax

September 21, 2022

Paul Ziegler
Assistant Superintendent, Business Services
Eureka City Schools
2100 J Street
Eureka, CA 95501

To the Board of Trustees of Eureka City Schools

RE: Engagement Letter for Independent Financial Audit

We are pleased to confirm our understanding of the services we are to provide for Eureka City Schools (the District) related to the June 30, 2023, 2024, and 2025 fiscal years.

This letter confirms the services you have asked our firm to perform and the terms under which we have agreed to do that work. Please read this letter carefully because it is important to both our firm and you that you understand what you can and cannot expect from our work. In other words, we want you to know the limitations of the services you have asked us to perform. If you are confused at all by this letter or believe we have misunderstood what you need, please call to discuss this letter before you sign it.

1. OBJECTIVE AND SCOPE OF THE AUDIT

You have requested that we audit the financial statements of the District (including each major fund, and the aggregate remaining fund information) as of June 30, 2023, 2024, and 2025, and the related Statement of Net Position, Statement of Activities, Balance Sheet – Governmental Funds, Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds, Reconciliation of the Governmental Fund Balance Sheet to the Statement of Net Position, and Reconciliation of the Governmental Statement of Revenues, Expenditures, and Changes in Fund Balances to the Statement of Activities for the years then ended and the related notes to the financial statements, which collectively comprise the District's basic financial statements and provide assistance with the preparation of the financial statements.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users made on the basis of these financial statements.

Accounting principles generally accepted in the United States of America require that management's discussion and analysis, the Schedule(s) of Revenues, Expenditures and Changes in Fund Balance-Budget (Non-GAAP) and Actual, Schedule of Changes in the District's Net OPEB Liability and Related Ratios, Schedule of Proportionate Share of Net Pension Liability, and Schedule of Pension Contributions, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI.

Supplementary information other than RSI will accompany the District's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole.

- Combining Balance Sheet – All Non-Major Funds
- Combining Statement of Revenues, Expenditures and Changes in Fund Balances – All Non-Major Funds
- Organization
- Schedule of Average Daily Attendance
- Schedule of Instructional Time
- Schedule of Expenditure of Federal Awards
- Reconciliation of Annual Financial and Budget Report with Audited Financial Statements
- Schedule of Financial Trends and Analysis
- Schedule of Charter Schools
- Notes to Supplementary Information

2. THE RESPONSIBILITIES OF THE AUDITOR

We will conduct our audit in accordance with applicable auditing standards and procedures generally accepted in the United States of America (U.S. GAAS). Applicable standards include:

- State of California, State Controller's Office, Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting;
- AICPA Audit Guide, Audits of State and Local Government Units, Generally Accepted Auditing Standards;

- The United States General Accounting Office (GAO) Government Auditing Standards, Office of Management and Budget (OMB), Audits of States, Local Governments and Nonprofit Organizations; and
- Single audit procedures defined by the OMB Compliance Supplement (Uniform Guidance 2 CFR § 200, formerly OMB Circular A-133); and
- Governmental Accounting Standards Board (GASB) pronouncements.

As part of an audit in accordance with GAAS, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risk of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk exists that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected by our firm, even though our audit is properly planned and performed in accordance with GAAS, Government Auditing Standards, promulgated by the United States Comptroller General; the Office of Management and Budget's Compliance Supplement for Single Audits; and 2 CFR Section 200, Audits of States, Local Government, and Nonprofit Organizations (as applicable). This audit shall include audit procedures recommended by the Education Audit Appeals Panel of the State of California as detailed in the latest edition of the Standards and Procedures for Audits of California K-12 Local Education Agencies.

3. CHARACTER AND LIMITATIONS OF AN AUDIT

The purpose of an audit is to express an opinion as to whether your financial statements are fairly presented, in all material respects in conformity with United States generally accepted accounting principles, and is

limited to the period covered by our audit. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement. In the event we must withdraw from the engagement, our fees will be limited to the fees incurred up to the point of withdrawal.

We will also issue a written report on internal control, a report to those charged with governance and a management comment letter (if applicable).

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

Our audit will be conducted in accordance with generally accepted auditing standards. Those standards require that we initially assess the risk that errors, fraud, irregularities, and illegal acts may cause the financial statements to contain a material misstatement. This is necessary because we do not audit all the transactions and balances in the financial statements, only a selected portion of them, in some cases a very small portion. The costs for us to examine a large portion of them, or all of them of a certain category, or all of them in all categories, would be prohibitive. Consequently, there are risks.

In making this initial assessment, we are required to obtain an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of financial statements and to design appropriate audit procedures. Those considerations mandate your complete cooperation and honesty about your knowledge and understanding of the possibility of the existence of errors, fraud, irregularities and illegal acts. By signing this letter, you agree that you will provide this cooperation and that you will be totally honest with us.

Based on that assessment, the standards require us to design the audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by errors, fraud, irregularities and illegal acts. Accordingly, a material misstatement may remain undetected. While we are required to exercise due care and professional skepticism, since our opinion is based on the concept of reasonable assurance, we are not an insurer and our report does not constitute a

guarantee. We will inform you of all matters of fraud that come to our attention. We will also inform you of illegal acts that come to our attention, unless they are clearly inconsequential. We will inform you of any need to extend our procedures because of them and our estimate of their additional cost.

The discovery, subsequent to the date of the auditor's report, that one or more errors, frauds, irregularities, or illegal acts causing the financial statements to contain one or more material misstatements, have occurred does not necessarily mean that our audit was not conducted in accordance with generally accepted auditing standards.

An audit includes obtaining an understanding of internal control sufficient to plan the audit, but is not designed to provide assurance on internal control or to identify significant deficiencies conditions. However, during the audit, if we become aware of such reportable conditions or ways that we believe management practices can be improved, we will communicate them to you in a separate letter.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of certain assets, revenues and expenses by correspondence with selected individuals, legal counsel, creditors, and financial institutions.

Management is responsible for making all financial records and related information available for purposes of the audit.

In the event that the financial information provided is incomplete or inaccurate, then we will either complete the work at our standard rate, or delay the audit until this information is complete and accurate.

At the conclusion of our audit, we will require you to furnish us a management representation letter confirming, among others, your responsibility for your financial statements and for the design and implementation of program and controls to prevent and detect fraud. This letter is a required audit procedure prior to issuing our report. By signing this engagement letter and furnishing a management representation letter, you agree to indemnify us and hold us harmless for any liability and costs arising from knowing misrepresentations by management.

In accordance with auditing standards generally accepted in the United States of America, we will also issue a written report describing the scope of our testing over internal control over financial reporting, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

4. COMPLIANCE WITH LAWS AND REGULATIONS

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

5. INDEPENDENT CONTRACTOR STATUS

James Marta & Company LLP shall perform the required services as an independent contractor and not as an “officer, employee, or agent” of the District. Although the District reserves the right to evaluate the quality of the service provided by James Marta & Company LLP, the District will not control the means or manner of James Marta & Company LLP’s performance.

6. REPORTING

We will issue written reports upon completion of our audit of the District’s basic financial statements. Our reports will be addressed to the Board of Trustees of the District. Circumstances may arise in which our reports may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances it may be necessary for us to modify our opinion, add an emphasis-of-matter paragraph or other-matter paragraph to our auditor’s report, or if necessary, withdraw from the engagement.

7. MANAGEMENT RESPONSIBILITIES

At the outset, it is imperative that we state the scope of your responsibilities in connection with this engagement:

- a. The financial statements are the responsibility of the District’s management. As such, management is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
- b. Encompassed in that responsibility is the establishment and maintenance of effective internal control over financial reporting, the establishment and maintenance of proper accounting records, and the selection of appropriate accounting principles.
- c. Management is responsible for the design and implementation of programs and controls to prevent or detect fraud, and for informing us about all known or suspected fraud affecting the organization involving (a) management, (b) individuals who have significant roles in internal control, and (c) others where the fraud could have a material effect on the financial statements.
- d. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the organization received in communications from members, regulators, or others. In addition, management is responsible for identifying and ensuring that the entity complies with applicable laws and regulations.
- e. In accordance with the terms and conditions of this agreement, District management is responsible for:
 - i. Identification of the applicable reporting framework;
 - ii. Preparation and fair presentation of financial statements in accordance with accounting principles generally accepted in the United States of America; and

- iii. Design, implementation, and maintenance of internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
 - iv. Having appropriate programs and controls in place to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the company that involves management, employees who have significant roles in internal control, and others where fraud could have a material impact on the financial statements. You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the company received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the company complies with the applicable laws and regulations.
 - v. Accuracy and completeness of all data, information and representations provided to us for the purposes of this engagement. Because of the importance of oral and written management representations to the effective performance of our services, the District releases and indemnifies our firm and its personnel from any and all claims, liabilities, costs and expenses attributable to any misrepresentation by management and its representatives.
- f. Management is responsible to provide us with:
- i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We will assist in the preparation of your financial statements, but the responsibility for the financial statements remains with you. You are responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

As part of our engagement, we may propose standard, adjusting, or correcting journal entries to your financial statements. You are responsible for reviewing the entries and understanding the nature of any proposed entries and the impact they have on your financial statements. Further, you are responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these activities.

8. OTHER STIPULATIONS

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing or review.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

9. PROVISIONS OF ENGAGEMENT ADMINISTRATION, TIMING AND FEES

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to perform our interim testing in May and our year end fieldwork in October and to complete and issue our report no later than December 15th.

James Marta, CPA, CGMA, ARPM is the Engagement Partner for the audit services specified in this letter. His responsibilities include supervising James Marta & Company LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

10. RECORD RETENTION

It is our policy to keep records related to this engagement for seven (7) years. However, James Marta & Company LLP does not keep any original client records, so we will return those to you at the completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

By your signature below, you acknowledge and agree that upon the expiration of the 7-year period, James Marta & Company LLP shall be free to destroy our records related to this engagement.

11. INSURANCE

During the term of this Contract, James Marta & Company LLP shall maintain in force insurance coverage as follows:

- a. Commercial General Liability insurance applicable to the services provided to the District, with a combined single limit, or the equivalent, of not less than \$2,000,000 per claim (\$4,000,000 aggregate) for Bodily Injury, Personal Injury, and Property Damage, including contractual liability coverage applicable to the indemnity provided under this contract.
- b. Workers' Compensation insurance: Up to 1,000,000 per claim.
- c. Business Automobile Coverage insurance applicable to the operation of James Marta & Company LLP's trucks or automobiles with a combined single limit of not less than \$2,000,000 per claim for Bodily Injury and Property Damage, including coverage for owned, non-owned, and hired vehicles, as applicable.

- d. Professional Liability insurance: Up to \$1,000,000 per claim and \$2,000,000 aggregate.

Notice of Cancellation or Change. There shall be no cancellation, material change, reduction of limits without 30 days prior written notice from James Marta & Company LLP or its insurer(s) to the District.

Certificates of Insurance. As evidence of the insurance coverages required by this contract, James Marta & Company LLP shall provide acceptable insurance certificates to the District as soon as practicable upon written request by the District. If requested, complete copies of insurance policies, shall be provided to the District.

12. ASSUMPTIONS

The fees quoted are based upon several assumptions about the adequacy of the accounting records, the degree of assistance to be provided by your personnel, and current audit and accounting standards.

This fee is based upon the assumption that the closing journal entries will be made and accounting will be finalized and closed before the year end audit fieldwork. If compliance requirements change, or if the District is involved in issuing an exempt offering, additional fees and an amended engagement letter may be required. Additional time and billing charges will be charged at our standard hourly rates and costs in the event of the following:

- Account reconciliations are not completed for, (example but not limited to):
 - Cash Accounts
 - Accounts Receivable and Allowance for Doubtful Accounts
 - Inventory
 - Investments
 - Prepaid Expenses
 - Capital Assets and Depreciation
 - Accounts Payable
 - Accrued Expenses
 - Unearned Revenue
 - Deposits
 - Long-Term Liabilities
 - Compensated Absences
 - Prior year equity not in agreement with prior year audit
- Accounting system or account group changes from prior year
- Allocation of expenses not completed
- Allocation of investments not completed
- Allocation of income not completed
- Changes in accounts after beginning of audit work that necessitates additional or redo of audit work.
- Changes or revision of the initial trial balance
- Addition of new activities

- New funding sources
- New funds
- New debt

Whenever possible, we will attempt to use your personnel to assist in the preparation of schedules and analyses of accounts. We understand that your employees will prepare all cash or other confirmations we request and will locate any invoices selected by us for testing. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Our initial fee estimate assumes we will receive the aforementioned assistance from your personnel and unexpected circumstances will not be encountered. In the event that the GASB, FASB, AICPA, GAO, OMB, or the State of California issues additional standards or audit procedures that require additional work during the audit period, we will discuss these requirements with you before proceeding further. Before starting the additional work, we will prepare an estimate of the time necessary, as well as the fee for performing the additional work. Our fee for addressing the additional requirements will be at our standard hourly rates for each person involved in the additional work.

In the event we are required to respond to discovery requests, subpoenas, and outside inquiries, we will first obtain your permission unless otherwise required to comply under the law. Our time and expense to comply with such requests will be charged at our standard hour rates in addition to the stated contract.

At the conclusion of our audit engagement, we will communicate to the governing board the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of James Marta & Company LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available pursuant to authority given to any regulator by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of James Marta & Company LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to

any regulator. They may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

13. REPORTS

We will provide you with up to 10 copies of the report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

The intended users of the report are the Board of Trustees of the District. You agree to be responsible to distribute the reports to those charged with governance and to the appropriate officials of the responsible party.

Reports included in this engagement include:

- Independent Auditor's Report and Financial Statements, Schedules and associated notes (up to 10 copies and a PDF version);
- Management Letter including notification of reportable conditions (if necessary), statements, observations, opinions, comments and recommendations regarding the financial statement of the District and its systems of internal control;
- Present Audit results to the Board of Trustees;
- Report on Internal Control and Compliance and Other Matters;
- Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance Required by the Uniform Guidance.

14. WORKING PAPERS

The audit documentation for this engagement is the property of James Marta & Company LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available pursuant to authority given to any regulator by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of James Marta & Company LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to any regulator. They may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

15. FEES

Our fees for the audit will be:

- \$43,000 for the fiscal year beginning July 1, 2022 and ending June 30, 2023.
- \$43,000 for the fiscal year beginning July 1, 2023 and ending June 30, 2024.
- \$43,000 for the fiscal year beginning July 1, 2024 and ending June 30, 2025.

We will submit monthly progress billings for our services during the project. Invoices are payable upon presentation. Unpaid fee balances 30 days overdue will bear interest at 18 percent per annum. Payment by Credit Card is subject to a 5% processing fee.

The engagement fee includes the cost of a single audit in conformity with the Uniform Guidance for one (1) major program. An addition fee will be agreed-upon for every additional major program audited.

16. INDEMNIFICATION

Pursuant to the contract with James Marta & Company LLP, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

17. TERMINATION

- Either Party may terminate this contract in whole or in part, with 30 days written notice to the other Party.
- In the event of contract termination, the District agrees to pay James Marta & Company LLP the fees and expenses incurred prior to such termination.
- The District may terminate this contract upon notice to James Marta & Company LLP, or at such later date as the District may establish in such notice, if James Marta & Company LLP commits any material breach or default of any covenant, warranty, obligation or agreement under this contract, or fails to perform in a timely manner the services under this contract, and such breach, default, or failure is not cured within 10 business days after delivery of the District's notice, or such longer period as the District may specify in such notice.
- James Marta & Company LLP may terminate this contract upon 10 days' written notice to the District if the District fails to pay James Marta & Company LLP pursuant to the terms of this contract and the District fails to cure within 30 days after receipt of James Marta & Company LLP written notice, or such longer period as James Marta & Company LLP may specify in such notice.

18. MEDIATION PROVISION

Disputes arising under this agreement (including scope, nature, and quality of services to be performed by us, our fees and other terms of the engagement) shall be submitted to mediation. A competent and impartial third party, acceptable to both parties shall be appointed to mediate, and each disputing party shall pay an equal percentage of the mediator's fees and expenses. No suit or arbitration proceedings shall be commenced under this agreement until at least 60 days after the mediator's first meeting with the involved parties. If the dispute requires litigation, the court shall be authorized to impose all defense costs against any non-prevailing party found not to have participated in the mediation process in good faith.

19. ENGAGEMENT EXECUTION

We appreciate the opportunity to be of service to you and believe this Engagement Letter accurately summarizes the significant terms of our Engagement. Several technical accounting and auditing words and phrases have been used herein. We presume you to understand their meaning or that you will notify us otherwise so that we can furnish appropriate explanations. If you have any questions, please let us know.

Please sign and return the attached copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities. This letter will continue in effect until canceled by either party.

Respectfully,

James Marta & Company LLP

James Marta & Company LLP
Certified Public Accountants
Sacramento, California

20. RESPONSE

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of Eureka City Schools.

Authorized Signature: _____

Name: Paul Ziegler

Title: Assistant Superintendent

Date: October 10, 2022

AGENDA ITEM

Agenda Title: Approval of Measure S Bond Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing board is asked to approve the bond audit agreement with James Marta & Company, LLP for the fiscal years ending June 30, 2023, 2024, and 2025.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

An independent bond audit is provided annually.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

The current contract ended June 30, 2022.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Annual cost of the bond audit for the three years of the agreement is:

Year ending June 30, 2023: \$6,000

Year ending June 30, 2024: \$6,000

Year ending June 30, 2025: \$6,000

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Audit Agreement



James Marta & Company LLP
Certified Public Accountants

Accounting ▪ Audit ▪ Consulting ▪ Tax

September 21, 2022

Bond Citizens Oversight Committee, Measure S
CO: Paul Ziegler
Assistant Superintendent, Business Services
Eureka City Schools
2100 J Street
Eureka, CA 95501

RE: Performance Audit and Financial Audit for Measure S General Obligation Bonds

We are pleased to confirm our understanding of the services we are to provide for the Eureka City Schools (the District) related to Measure S General Obligation Bonds. This letter confirms the services you have asked our firm to perform and the terms under which we have agreed to do that work. Please read this letter carefully because it is important to both our firm and you that you understand what you can and cannot expect from our work. In other words, we want you to know the limitations of the services you have asked us to perform. If you are confused at all by this letter or believe we have misunderstood what you need, please call to discuss this letter before you sign it.

1. OBJECTIVE AND SCOPE OF WORK

You have requested that we audit the financial statements of the District's Measure S General Obligation Bonds' Balance Sheet as of June 30, 2023, 2024, and 2025, and the related Statements of Revenues, Expenditures, and Changes in Fund Balance for the years then ended and the related notes to the financial statements, which collectively comprise the District's Measure S basic financial statements and provide assistance with the preparation of the financial statements.

We are also engaged to conduct a performance audit in accordance with standards applicable to performance audits contained in Government Auditing Standards also known as the Yellow Book, which contains standards for audits of government organizations, programs, activities, and functions. The Yellow Book is published by the United States Government Accountability Office.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users made on the basis of these financial statements.

Supplementary information other than RSI will accompany the Measures' basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole.

- Full Text of Bond Measure S

2. THE RESPONSIBILITIES OF THE AUDITOR

Our responsibility is to express an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles, and is limited to the period covered by our audit. Facts and circumstances may require us to qualify that opinion, or to disclaim it, or to express an adverse opinion.

We will also express an opinion on performance requirements for the District's Measure S General Obligation Bond funds. Other facts and circumstances may require us to provide additional information on our report. We will keep you informed if and when we begin to reach conclusions that our report may need to be modified because of such facts and circumstances.

We will conduct our audit in accordance with applicable auditing standards and procedures generally accepted in the United States of America (U.S. GAAS). Applicable standards include:

- State of California, State Controller's Office, Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting;
- AICPA Audit Guide, Audits of State and Local Government Units, Generally Accepted Auditing Standards; and
- The United States General Accounting Office (GAO) Government Auditing Standards, Office of Management and Budget (OMB), Audits of States, Local Governments and Nonprofit Organizations.

3. CHARACTER AND LIMITATIONS OF AN AUDIT

The purpose of the audit is to issue a report as to whether the District has maintained a general ledger for all expenditures for the projects funded by Measure S; all expenditures were in accordance with the laws and regulations of the Bond Measure; contract managers were paid accordingly; and funds were spent on the approved project in accordance with Appendix B of the Guide for Annual Audits of K-12 Local Education Agencies.

Our audit will be conducted in accordance with generally accepted auditing standards. Those standards require that we initially assess the risk that errors, fraud, irregularities, and illegal acts may cause the financial statements to contain a material misstatement. This is necessary because we do not audit all the transactions and balances in the financial statements, only a selected portion of them, in some cases a very small portion. The costs for us to examine a large portion of them, or all of them of a certain category, or all of them in all categories, would be prohibitive. Consequently, there are risks.

In making this initial assessment, we are required to obtain an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of financial statements and to design appropriate audit procedures. Those considerations mandate your complete cooperation and honesty about your knowledge and understanding of the possibility of the existence of errors, fraud, irregularities and illegal acts. By signing this letter, you agree that you will provide this cooperation and that you will be totally honest with us.

Based on that assessment, the standards require us to design the audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by errors, fraud, irregularities and illegal acts. Accordingly, a material misstatement may remain undetected. While we are required to exercise due care and professional skepticism, since our opinion is based on the concept of reasonable assurance, we are not an insurer and our report does not constitute a guarantee. We will inform you of all matters of fraud that come to our attention. We will also inform you of illegal acts that come to our attention, unless they are clearly inconsequential. We will inform you of any need to extend our procedures because of them and our estimate of their additional cost.

The discovery, subsequent to the date of the auditor's report, that one or more errors, frauds, irregularities, or illegal acts causing the financial statements to contain one or more material misstatements, have occurred does not necessarily mean that our audit was not conducted in accordance with generally accepted auditing standards.

An audit includes obtaining an understanding of internal control sufficient to plan the audit, but is not designed to provide assurance on internal control or to identify significant deficiencies conditions. However, during the audit, if we become aware of such reportable conditions or ways that we believe management practices can be improved, we will communicate them to you in a separate letter.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of certain assets, revenues and expenses by correspondence with selected individuals, legal counsel, creditors, and financial institutions.

Management is responsible for making all financial records and related information available for purposes of the audit.

In the event that the financial information provided is incomplete or inaccurate, then we will either complete the work at our standard rate, or delay the audit until this information is complete and accurate.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and in accordance with Government Auditing Standards.

We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

4. INDEPENDENT CONTRACTOR STATUS

James Marta & Company LLP shall perform the required services as an independent contractor and not as an “officer, employee, or agent” of the District. Although the District reserves the right to evaluate the quality of the service provided by James Marta & Company LLP, the District will not control the means or manner of James Marta & Company LLP’s performance.

5. REPORTING

We will issue written reports upon completion of our audit of the Measure S basic financial statements. Our reports will be addressed to the Bond Citizens Oversight Committee and to the Board of Trustees of the District. Circumstances may arise in which our reports may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances it may be necessary for us to modify our opinion, add an emphasis-of-matter paragraph or other-matter paragraph to our auditor’s report, or if necessary, withdraw from the engagement.

In accordance with auditing standards generally accepted in the United States of America, we will also issue a written report describing the scope of our testing over internal control over financial reporting, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

6. MANAGEMENT RESPONSIBILITIES

At the outset, it is imperative that we state the scope of your responsibilities in connection with this engagement:

- a. The financial statements are the responsibility of the District’s management.
- b. Encompassed in that responsibility is the establishment and maintenance of effective internal control over financial reporting, the establishment and maintenance of proper accounting records, and the selection of appropriate accounting principles.
- c. Management is responsible for the design and implementation of programs and controls to prevent or detect fraud, and for informing us about all known or suspected fraud affecting the organization involving (a) management, (b) individuals who have significant roles in internal control, and (c) others where the fraud could have a material effect on the financial statements.
- d. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the organization received in communications from members, regulators,

or others. In addition, management is responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

- e. In accordance with the terms and conditions of this agreement, District management is responsible for:
 - i. Identification of the applicable reporting framework;
 - ii. Preparation and fair presentation of financial statements in accordance with accounting principles generally accepted in the United States of America.
 - iii. Design, implementation, and maintenance of internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- f. Management is responsible to provide us with:
 - iv. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - v. Additional information that we may request from management for the purpose of the audit; and
 - vi. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written management representation letter confirming, among others, your responsibility for your financial statements and for the design and implementation of program and controls to prevent and detect fraud. This letter is a required audit procedure prior to issuing our report. By signing this engagement letter and furnishing a management representation letter, you agree to indemnify us and hold us harmless for any liability and costs arising from knowing misrepresentations by management.

As part of our engagement, we may propose standard, adjusting, or correcting journal entries to your financial statements. You are responsible for reviewing the entries and understanding the nature of any proposed entries and the impact they have on your financial statements. Further, you are responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these activities.

7. OTHER STIPULATIONS

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing or review.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

8. PROVISIONS OF ENGAGEMENT ADMINISTRATION, TIMING AND FEES

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to perform our interim testing in May and our year end fieldwork in November and to complete and issue our report no later than December 15th.

James Marta, CPA, CGMA, ARPM is the Engagement Partner for the audit services specified in this letter. His responsibilities include supervising James Marta & Company LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

9. RECORD RETENTION

It is our policy to keep records related to this engagement for seven (7) years. However, James Marta & Company LLP does not keep any original client records, so we will return those to you at the completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

By your signature below, you acknowledge and agree that upon the expiration of the 7-year period, James Marta & Company LLP shall be free to destroy our records related to this engagement.

10. INSURANCE

During the term of this Contract, James Marta & Company LLP shall maintain in force insurance coverage as follows:

- a. Commercial General Liability insurance applicable to the services provided to the District, with a combined single limit, or the equivalent, of not less than \$2,000,000 per claim (\$4,000,000 aggregate) for Bodily Injury, Personal Injury, and Property Damage, including contractual liability coverage applicable to the indemnity provided under this contract.
- b. Workers' Compensation insurance: Up to 1,000,000 per claim.
- c. Business Automobile Coverage insurance applicable to the operation of James Marta & Company LLP's trucks or automobiles with a combined single limit of not less than \$2,000,000 per claim for Bodily Injury and Property Damage, including coverage for owned, non-owned, and hired vehicles, as applicable.
- d. Professional Liability insurance: Up to \$1,000,000 per claim and \$2,000,000 aggregate.

Notice of Cancellation or Change. There shall be no cancellation, material change, reduction of limits without 30 days prior written notice from James Marta & Company LLP or its insurer(s) to the District.

Certificates of Insurance. As evidence of the insurance coverages required by this contract, James Marta & Company LLP shall provide acceptable insurance certificates to the District as soon as practicable upon written request by the District. If requested, complete copies of insurance policies, shall be provided to the District.

11. ASSUMPTIONS

The fees quoted are based upon several assumptions about the adequacy of the accounting records, the degree of assistance to be provided by your personnel, and current audit and accounting standards.

This fee is based upon the assumption that the closing journal entries will be made and accounting will be finalized and closed before the year end audit fieldwork. If compliance requirements change, or if the District is involved in issuing an exempt offering, additional fees and an amended engagement letter may be required. Additional time and billing charges will be charged at our standard hourly rates and costs in the event of the following:

- Account reconciliations are not completed for, (example but not limited to):
 - Cash Accounts
 - Accounts Receivable and Allowance for Doubtful Accounts
 - Accounts Payable
 - Prior year equity not in agreement with prior year audit
- Accounting system or account group changes from prior year
- Allocation of expenses not completed
- Allocation of investments not completed
- Allocation of income not completed
- Changes in accounts after beginning of audit work that necessitates additional or redo of audit work.
- Changes or revision of the initial trial balance
- Addition of new activities
 - New funding sources
 - New funds
 - New debt

Whenever possible, we will attempt to use your personnel to assist in the preparation of schedules and analyses of accounts. We understand that your employees will prepare all cash or other confirmations we request and will locate any invoices selected by us for testing. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Our initial fee estimate assumes we will receive the aforementioned assistance from your personnel and unexpected circumstances will not be encountered. In the event that the GASB, FASB, AICPA, GAO, OMB, or the State of California issues additional standards or audit procedures that require additional work during the audit period, we will discuss these requirements with you before proceeding further. Before starting the additional work, we will prepare an estimate of the time necessary, as well as the fee for performing the additional work. Our fee for addressing the additional requirements will be at our standard hourly rates for each person involved in the additional work.

In the event we are required to respond to discovery requests, subpoenas, and outside inquiries, we will first obtain your permission unless otherwise required to comply under the law. Our time and expense to comply with such requests will be charged at our standard hour rates in addition to the stated contract.

At the conclusion of our audit engagement, we will communicate to the governing board the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

12. REPORTS

Upon the completion of our audit we will issue the report on the performance audit of the District's Measure S General Obligation Bonds for the fiscal years ending June 30, 2023, 2024, and 2025.

The intended users of the report are the Board of Trustees of the District and the Bond Citizens Oversight Committee for Measure S. You agree to be responsible to distribute the reports to those charged with governance and to the appropriate officials of the responsible party.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Reports included in this engagement include:

- Independent Auditor's Report and Financial Statements, Schedules and associated notes (up to 10 copies and a PDF version);
- Management Letter including notification of reportable conditions (if necessary), statements, observations, opinions, comments and recommendations regarding the financial statement of the District and its systems of internal control;
- Present Audit results to the District's Bond Citizens Oversight Committee, Measure S;
- Report on Internal Control and Compliance and Other Matters.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;

- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

13. WORKING PAPERS

The working papers for this engagement are the property of James Marta & Company LLP and constitute confidential information. However, we may be requested to make certain audit documentation available pursuant to authority given to any regulator by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of James Marta & Company LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to any regulator. They may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

14. FEES

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Our fees for the audit will be \$6,000 for each of the fiscal years ending June 30, 2023, 2024, and 2025.

We will submit monthly progress billings for our services during the project. Invoices are payable upon presentation. Unpaid fee balances 30 days overdue will bear interest at 18 percent per annum. Payment by Credit Card is subject to a 5% processing fee.

Our initial fee estimate assumes we will receive the aforementioned assistance from your personnel and unexpected circumstances will not be encountered. In the event that the GASB, FASB, AICPA, GAO, OMB, OPSC or the State of California issues additional standards or audit procedures that require additional work during the audit period, we will discuss these requirements with you before proceeding further. If to complete our work or in conjunction with our audit we are asked or are required to perform account reconciliation or other work not otherwise in the scope of an audit, our fee for addressing the additional requirements will be at our standard hourly rates for each person involved in the additional work.

In the event we are required to respond to discovery requests, subpoenas, and outside inquiries, we will first obtain your permission unless otherwise required to comply under the law. Our time and expense to comply with such requests will be charged at our standard hour rates in addition to the stated contract.

15. INDEMNIFICATION

Pursuant to the contract with James Marta & Company LLP, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

16. TERMINATION

- Either Party may terminate this contract in whole or in part, with 30 days written notice to the other Party.
- In the event of contract termination, the District agrees to pay James Marta & Company LLP the fees and expenses incurred prior to such termination.
- The District may terminate this contract upon notice to James Marta & Company LLP, or at such later date as the District may establish in such notice, if James Marta & Company LLP commits any material breach or default of any covenant, warranty, obligation or agreement under this contract, or fails to perform in a timely manner the services under this contract, and such breach, default, or failure is not cured within 10 business days after delivery of the District's notice, or such longer period as the District may specify in such notice.
- James Marta & Company LLP may terminate this contract upon 10 days' written notice to the District if the District fails to pay James Marta & Company LLP pursuant to the terms of this contract and the District fails to cure within 30 days after receipt of James Marta & Company LLP written notice, or such longer period as James Marta & Company LLP may specify in such notice.

17. MEDIATION PROVISION

Disputes arising under this agreement (including scope, nature, and quality of services to be performed by us, our fees and other terms of the engagement) shall be submitted to mediation. A competent and impartial third party, acceptable to both parties shall be appointed to mediate, and each disputing party shall pay an equal percentage of the mediator's fees and expenses. No suit or arbitration proceedings shall be commenced under this agreement until at least 60 days after the mediator's first meeting with the involved parties. If the dispute requires litigation, the court shall be authorized to impose all defense costs against any non-prevailing party found not to have participated in the mediation process in good faith.

18. ENGAGEMENT EXECUTION

We appreciate the opportunity to be of service to you and believe this Engagement Letter accurately summarizes the significant terms of our Engagement. Several technical accounting and auditing words and phrases have been used herein. We presume you to understand their meaning or that you will notify us otherwise so that we can furnish appropriate explanations. If you have any questions, please let us know.

If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. This letter will continue in effect until canceled by either party.



Please sign and return the attached copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Respectfully,

James Marta & Company LLP

James Marta & Company LLP
Certified Public Accountants
Sacramento, California

19. RESPONSE

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of Eureka City Schools.

Authorized Signature: _____

Name: Paul Ziegler

Title: Assitant Superintendent

Date: October 10, 2022

AGENDA ITEM

Agenda Title: Approval of Measure T Bond Audit Agreement between James Marta & Company LLP and Eureka City Schools (ECS)
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing board is asked to approve the Measure T bond audit agreement with James Marta & Company, LLP for the fiscal years ending June 30, 2022, 2023, 2024, and 2025.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

An independent bond audit will be provided annually.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the first bond audit agreement for Measure T.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Annual cost of the bond audit for the three years of the agreement is:

Year ending June 30, 2022: \$3,500

Year ending June 30, 2023: \$6,000

Year ending June 30, 2024: \$6,000

Year ending June 30, 2025: \$6,000

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▢ Audit Agreement



James Marta & Company LLP
Certified Public Accountants

Accounting ▪ Audit ▪ Consulting ▪ Tax

September 21, 2022

Bond Citizens Oversight Committee, Measure T
CO: Paul Ziegler
Assistant Superintendent, Business Services
Eureka City Schools
2100 J Street
Eureka, CA 95501

RE: Performance Audit and Financial Audit for Measure T General Obligation Bonds

We are pleased to confirm our understanding of the services we are to provide for the Eureka City Schools (the District) related to Measure T General Obligation Bonds. This letter confirms the services you have asked our firm to perform and the terms under which we have agreed to do that work. Please read this letter carefully because it is important to both our firm and you that you understand what you can and cannot expect from our work. In other words, we want you to know the limitations of the services you have asked us to perform. If you are confused at all by this letter or believe we have misunderstood what you need, please call to discuss this letter before you sign it.

1. OBJECTIVE AND SCOPE OF WORK

You have requested that we audit the financial statements of the District's Measure T General Obligation Bonds' Balance Sheet as of June 30, 2022, 2023, 2024, and 2025, and the related Statements of Revenues, Expenditures, and Changes in Fund Balance for the years then ended and the related notes to the financial statements, which collectively comprise the District's Measure T basic financial statements and provide assistance with the preparation of the financial statements.

We are also engaged to conduct a performance audit in accordance with standards applicable to performance audits contained in Government Auditing Standards also known as the Yellow Book, which contains standards for audits of government organizations, programs, activities, and functions. The Yellow Book is published by the United States Government Accountability Office.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users made on the basis of these financial statements.

Supplementary information other than RSI will accompany the Measures' basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole.

- Full Text of Bond Measure T

2. THE RESPONSIBILITIES OF THE AUDITOR

Our responsibility is to express an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles, and is limited to the period covered by our audit. Facts and circumstances may require us to qualify that opinion, or to disclaim it, or to express an adverse opinion.

We will also express an opinion on performance requirements for the District's Measure T General Obligation Bond funds. Other facts and circumstances may require us to provide additional information on our report. We will keep you informed if and when we begin to reach conclusions that our report may need to be modified because of such facts and circumstances.

We will conduct our audit in accordance with applicable auditing standards and procedures generally accepted in the United States of America (U.S. GAAS). Applicable standards include:

- State of California, State Controller's Office, Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting;
- AICPA Audit Guide, Audits of State and Local Government Units, Generally Accepted Auditing Standards; and
- The United States General Accounting Office (GAO) Government Auditing Standards, Office of Management and Budget (OMB), Audits of States, Local Governments and Nonprofit Organizations.

3. CHARACTER AND LIMITATIONS OF AN AUDIT

The purpose of the audit is to issue a report as to whether the District has maintained a general ledger for all expenditures for the projects funded by Measure T; all expenditures were in accordance with the laws and regulations of the Bond Measure; contract managers were paid accordingly; and funds were spent on the approved project in accordance with Appendix B of the Guide for Annual Audits of K-12 Local Education Agencies.

Our audit will be conducted in accordance with generally accepted auditing standards. Those standards require that we initially assess the risk that errors, fraud, irregularities, and illegal acts may cause the financial statements to contain a material misstatement. This is necessary because we do not audit all the transactions and balances in the financial statements, only a selected portion of them, in some cases a very small portion. The costs for us to examine a large portion of them, or all of them of a certain category, or all of them in all categories, would be prohibitive. Consequently, there are risks.

In making this initial assessment, we are required to obtain an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of financial statements and to design appropriate audit procedures. Those considerations mandate your complete cooperation and honesty about your knowledge and understanding of the possibility of the existence of errors, fraud, irregularities and illegal acts. By signing this letter, you agree that you will provide this cooperation and that you will be totally honest with us.

Based on that assessment, the standards require us to design the audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by errors, fraud, irregularities and illegal acts. Accordingly, a material misstatement may remain undetected. While we are required to exercise due care and professional skepticism, since our opinion is based on the concept of reasonable assurance, we are not an insurer and our report does not constitute a guarantee. We will inform you of all matters of fraud that come to our attention. We will also inform you of illegal acts that come to our attention, unless they are clearly inconsequential. We will inform you of any need to extend our procedures because of them and our estimate of their additional cost.

The discovery, subsequent to the date of the auditor's report, that one or more errors, frauds, irregularities, or illegal acts causing the financial statements to contain one or more material misstatements, have occurred does not necessarily mean that our audit was not conducted in accordance with generally accepted auditing standards.

An audit includes obtaining an understanding of internal control sufficient to plan the audit, but is not designed to provide assurance on internal control or to identify significant deficiencies conditions. However, during the audit, if we become aware of such reportable conditions or ways that we believe management practices can be improved, we will communicate them to you in a separate letter.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of certain assets, revenues and expenses by correspondence with selected individuals, legal counsel, creditors, and financial institutions.

Management is responsible for making all financial records and related information available for purposes of the audit.

In the event that the financial information provided is incomplete or inaccurate, then we will either complete the work at our standard rate, or delay the audit until this information is complete and accurate.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and in accordance with Government Auditing Standards.

We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

4. INDEPENDENT CONTRACTOR STATUS

James Marta & Company LLP shall perform the required services as an independent contractor and not as an “officer, employee, or agent” of the District. Although the District reserves the right to evaluate the quality of the service provided by James Marta & Company LLP, the District will not control the means or manner of James Marta & Company LLP’s performance.

5. REPORTING

We will issue written reports upon completion of our audit of the Measure T basic financial statements. Our reports will be addressed to the Bond Citizens Oversight Committee and to the Board of Trustees of the District. Circumstances may arise in which our reports may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances it may be necessary for us to modify our opinion, add an emphasis-of-matter paragraph or other-matter paragraph to our auditor’s report, or if necessary, withdraw from the engagement.

In accordance with auditing standards generally accepted in the United States of America, we will also issue a written report describing the scope of our testing over internal control over financial reporting, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

6. MANAGEMENT RESPONSIBILITIES

At the outset, it is imperative that we state the scope of your responsibilities in connection with this engagement:

- a. The financial statements are the responsibility of the District’s management.
- b. Encompassed in that responsibility is the establishment and maintenance of effective internal control over financial reporting, the establishment and maintenance of proper accounting records, and the selection of appropriate accounting principles.
- c. Management is responsible for the design and implementation of programs and controls to prevent or detect fraud, and for informing us about all known or suspected fraud affecting the organization involving (a) management, (b) individuals who have significant roles in internal control, and (c) others where the fraud could have a material effect on the financial statements.
- d. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the organization received in communications from members, regulators,

or others. In addition, management is responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

- e. In accordance with the terms and conditions of this agreement, District management is responsible for:
 - i. Identification of the applicable reporting framework;
 - ii. Preparation and fair presentation of financial statements in accordance with accounting principles generally accepted in the United States of America.
 - iii. Design, implementation, and maintenance of internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- f. Management is responsible to provide us with:
 - iv. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - v. Additional information that we may request from management for the purpose of the audit; and
 - vi. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written management representation letter confirming, among others, your responsibility for your financial statements and for the design and implementation of program and controls to prevent and detect fraud. This letter is a required audit procedure prior to issuing our report. By signing this engagement letter and furnishing a management representation letter, you agree to indemnify us and hold us harmless for any liability and costs arising from knowing misrepresentations by management.

As part of our engagement, we may propose standard, adjusting, or correcting journal entries to your financial statements. You are responsible for reviewing the entries and understanding the nature of any proposed entries and the impact they have on your financial statements. Further, you are responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these activities.

7. OTHER STIPULATIONS

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing or review.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

8. PROVISIONS OF ENGAGEMENT ADMINISTRATION, TIMING AND FEES

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to perform our interim testing in May and our year end fieldwork in November and to complete and issue our report no later than December 15th.

James Marta, CPA, CGMA, ARPM is the Engagement Partner for the audit services specified in this letter. His responsibilities include supervising James Marta & Company LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

9. RECORD RETENTION

It is our policy to keep records related to this engagement for seven (7) years. However, James Marta & Company LLP does not keep any original client records, so we will return those to you at the completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

By your signature below, you acknowledge and agree that upon the expiration of the 7-year period, James Marta & Company LLP shall be free to destroy our records related to this engagement.

10. INSURANCE

During the term of this Contract, James Marta & Company LLP shall maintain in force insurance coverage as follows:

- a. Commercial General Liability insurance applicable to the services provided to the District, with a combined single limit, or the equivalent, of not less than \$2,000,000 per claim (\$4,000,000 aggregate) for Bodily Injury, Personal Injury, and Property Damage, including contractual liability coverage applicable to the indemnity provided under this contract.
- b. Workers' Compensation insurance: Up to 1,000,000 per claim.
- c. Business Automobile Coverage insurance applicable to the operation of James Marta & Company LLP's trucks or automobiles with a combined single limit of not less than \$2,000,000 per claim for Bodily Injury and Property Damage, including coverage for owned, non-owned, and hired vehicles, as applicable.
- d. Professional Liability insurance: Up to \$1,000,000 per claim and \$2,000,000 aggregate.

Notice of Cancellation or Change. There shall be no cancellation, material change, reduction of limits without 30 days prior written notice from James Marta & Company LLP or its insurer(s) to the District.

Certificates of Insurance. As evidence of the insurance coverages required by this contract, James Marta & Company LLP shall provide acceptable insurance certificates to the District as soon as practicable upon written request by the District. If requested, complete copies of insurance policies, shall be provided to the District.

11. ASSUMPTIONS

The fees quoted are based upon several assumptions about the adequacy of the accounting records, the degree of assistance to be provided by your personnel, and current audit and accounting standards.

This fee is based upon the assumption that the closing journal entries will be made and accounting will be finalized and closed before the year end audit fieldwork. If compliance requirements change, or if the District is involved in issuing an exempt offering, additional fees and an amended engagement letter may be required. Additional time and billing charges will be charged at our standard hourly rates and costs in the event of the following:

- Account reconciliations are not completed for, (example but not limited to):
 - Cash Accounts
 - Accounts Receivable and Allowance for Doubtful Accounts
 - Accounts Payable
 - Prior year equity not in agreement with prior year audit
- Accounting system or account group changes from prior year
- Allocation of expenses not completed
- Allocation of investments not completed
- Allocation of income not completed
- Changes in accounts after beginning of audit work that necessitates additional or redo of audit work.
- Changes or revision of the initial trial balance
- Addition of new activities
 - New funding sources
 - New funds
 - New debt

Whenever possible, we will attempt to use your personnel to assist in the preparation of schedules and analyses of accounts. We understand that your employees will prepare all cash or other confirmations we request and will locate any invoices selected by us for testing. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Our initial fee estimate assumes we will receive the aforementioned assistance from your personnel and unexpected circumstances will not be encountered. In the event that the GASB, FASB, AICPA, GAO, OMB, or the State of California issues additional standards or audit procedures that require additional work during the audit period, we will discuss these requirements with you before proceeding further. Before starting the additional work, we will prepare an estimate of the time necessary, as well as the fee for performing the additional work. Our fee for addressing the additional requirements will be at our standard hourly rates for each person involved in the additional work.

In the event we are required to respond to discovery requests, subpoenas, and outside inquiries, we will first obtain your permission unless otherwise required to comply under the law. Our time and expense to comply with such requests will be charged at our standard hour rates in addition to the stated contract.

At the conclusion of our audit engagement, we will communicate to the governing board the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

12. REPORTS

Upon the completion of our audit we will issue the report on the performance audit of the District's Measure T General Obligation Bonds for the fiscal years ending June 30, 2022, 2023, 2024, and 2025.

The intended users of the report are the Board of Trustees of the District and the Bond Citizens Oversight Committee for Measure T. You agree to be responsible to distribute the reports to those charged with governance and to the appropriate officials of the responsible party.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Reports included in this engagement include:

- Independent Auditor's Report and Financial Statements, Schedules and associated notes (up to 10 copies and a PDF version);
- Management Letter including notification of reportable conditions (if necessary), statements, observations, opinions, comments and recommendations regarding the financial statement of the District and its systems of internal control;
- Present Audit results to the District's Bond Citizens Oversight Committee, Measure T;
- Report on Internal Control and Compliance and Other Matters.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;

- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

13. WORKING PAPERS

The working papers for this engagement are the property of James Marta & Company LLP and constitute confidential information. However, we may be requested to make certain audit documentation available pursuant to authority given to any regulator by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of James Marta & Company LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to any regulator. They may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

14. FEES

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Our fees for the audit will be \$3,500 for the year ending June 30, 2022 and \$6,000 for each of the fiscal years ending June 30, 2023, 2024, and 2025.

We will submit monthly progress billings for our services during the project. Invoices are payable upon presentation. Unpaid fee balances 30 days overdue will bear interest at 18 percent per annum. Payment by Credit Card is subject to a 5% processing fee.

Our initial fee estimate assumes we will receive the aforementioned assistance from your personnel and unexpected circumstances will not be encountered. In the event that the GASB, FASB, AICPA, GAO, OMB, OPSC or the State of California issues additional standards or audit procedures that require additional work during the audit period, we will discuss these requirements with you before proceeding further. If to complete our work or in conjunction with our audit we are asked or are required to perform account reconciliation or other work not otherwise in the scope of an audit, our fee for addressing the additional requirements will be at our standard hourly rates for each person involved in the additional work.

In the event we are required to respond to discovery requests, subpoenas, and outside inquiries, we will first obtain your permission unless otherwise required to comply under the law. Our time and expense to comply with such requests will be charged at our standard hour rates in addition to the stated contract.

15. INDEMNIFICATION

Pursuant to the contract with James Marta & Company LLP, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

16. TERMINATION

- Either Party may terminate this contract in whole or in part, with 30 days written notice to the other Party.
- In the event of contract termination, the District agrees to pay James Marta & Company LLP the fees and expenses incurred prior to such termination.
- The District may terminate this contract upon notice to James Marta & Company LLP, or at such later date as the District may establish in such notice, if James Marta & Company LLP commits any material breach or default of any covenant, warranty, obligation or agreement under this contract, or fails to perform in a timely manner the services under this contract, and such breach, default, or failure is not cured within 10 business days after delivery of the District's notice, or such longer period as the District may specify in such notice.
- James Marta & Company LLP may terminate this contract upon 10 days' written notice to the District if the District fails to pay James Marta & Company LLP pursuant to the terms of this contract and the District fails to cure within 30 days after receipt of James Marta & Company LLP written notice, or such longer period as James Marta & Company LLP may specify in such notice.

17. MEDIATION PROVISION

Disputes arising under this agreement (including scope, nature, and quality of services to be performed by us, our fees and other terms of the engagement) shall be submitted to mediation. A competent and impartial third party, acceptable to both parties shall be appointed to mediate, and each disputing party shall pay an equal percentage of the mediator's fees and expenses. No suit or arbitration proceedings shall be commenced under this agreement until at least 60 days after the mediator's first meeting with the involved parties. If the dispute requires litigation, the court shall be authorized to impose all defense costs against any non-prevailing party found not to have participated in the mediation process in good faith.

18. ENGAGEMENT EXECUTION

We appreciate the opportunity to be of service to you and believe this Engagement Letter accurately summarizes the significant terms of our Engagement. Several technical accounting and auditing words and phrases have been used herein. We presume you to understand their meaning or that you will notify us otherwise so that we can furnish appropriate explanations. If you have any questions, please let us know.

If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. This letter will continue in effect until canceled by either party.

Please sign and return the attached copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Respectfully,

James Marta & Company LLP

James Marta & Company LLP
Certified Public Accountants
Sacramento, California

19. RESPONSE

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of Eureka City Schools.

Authorized Signature: _____

Name: Paul Ziegler

Title: Assistant Superintendent

Date: October 10, 2022

AGENDA ITEM

Agenda Title: Approval of Declaration of Equipment as Surplus and Authorization to Sell
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to authorize the District to sell and/or dispose of surplus school equipment that is no longer suitable or required for school use.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The following equipment is obsolete and no longer suitable or required for school use at the Corp Yard: Truck 150, 1990 International garbage truck, VIN 1HTSAZRN5LH282461; Truck 55, 1986 Toyota pickup, VIN JT5RN55T2G7004458; Van 74, 1996 Ford van, 1FBJS31G4THB42101

Eureka High School: Two (2) Miter saws, #p103 and #p104

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is potential for revenue if items are sold at district surplus sales.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

AGENDA ITEM

Agenda Title: Approval of Minutes from the Special Meeting on October 6, 2022 and Regular Meeting on October 6, 2022
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the minutes from the Special Meeting on October 6, 2022 and the Regular Meeting on October 6, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Not applicable.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D. - Superintendent

ATTACHMENTS:

Description

- ▣ 10.06.22 - Spec Mtg Mins
- ▣ 10.06.22 - Reg Mtg Mins - w.copy of FVV contract

Eureka City Schools | Board of Education

District Office - 2100 J Street - Eureka, CA 95501

Frances H. Taplin Board Room

Special Meeting

5:15 PM

October 6, 2022

MINUTES

A. CALL TO ORDER OF OPEN SESSION

President Ollivier called the open session to order at 5:15 p.m.

Members Present: Duncan, Johnson, Ollivier, Fernandez, Rebholtz

Members Absent: None

Staff Present: Van Vleck, Ziegler, Storts, Will, Claussen, Harris

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

No public comment on the closed session item.

C. CLOSED SESSION (Closed to Public) (Room 118)

President Ollivier moved the meeting to closed session to discuss closed session Items C(1).

- (1) Conference with Legal Counsel – Initiation of Litigation pursuant to Gov. Code §54956.9(d)(4) - Number of Potential Cases: One Case

D. RECONVENING OF OPEN SESSION (Board Room)

E. REPORT OUT FROM CLOSED SESSION

There was no action to report on closed session items C(1).

F. ADJOURNMENT

President Ollivier adjourned the meeting at 5:46 p.m.

Respectfully submitted,

Fred Van Vleck, Ed.D.
Secretary of the Board of Education

Micalyn Harris, Recording Secretary

Eureka City Schools | Board of Education

District Office - 2100 J Street - Eureka, CA 95501

Frances H. Taplin Board Room

Regular Meeting

6:30 PM

October 6, 2022

MINUTES

A. CALL TO ORDER OF OPEN SESSION

President Ollivier called the open session to order at 5:37 p.m.

Members Present: Duncan, Johnson, Ollivier, Fernandez, Rebholtz

Members Absent: None

Staff Present: Van Vleck, Ziegler, Storts, Will, Claussen, Harris

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

No public comment on closed session Items C(1) through C(6).

C. CLOSED SESSION (Closed to Public) (Room 118)

President Ollivier moved the meeting to closed session to discuss closed session Items C(1) through C(6).

- (1) Employee Discipline, Dismissal, Release, Accept the Resignation of a Public Employee (GC § 54957)
- (2) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. J(11)
- (3) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. J(11)
- (4) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- (5) Public Employee Performance Evaluation (Gov. Code §54957) Title: Superintendent
- (6) Consideration of Student Expulsion (EC Sec 48918(c) or 760030) [Student #22-23-018; Resolution #22-23-006]

D. RECONVENING OF OPEN SESSION (Room 116)

President Ollivier reconvened the meeting at 6:30 p.m.

Members Present: Duncan, Johnson, Ollivier, Fernandez, Rebholtz, Smith

Members Absent: None

Staff Present: Van Vleck, Ziegler, Storts, Will, Claussen, Harris

E. REPORT OUT FROM CLOSED SESSION

There was no action to report on closed session Items C(1) through C(6).

F. PLEDGE OF ALLEGIANCE TO THE FLAG – Eureka High School

Students from Eureka High School FFA led the Board in the pledge of allegiance. Officers introduced themselves to the Board and introduced the two new ag teachers at EHS. Each of the officers provided an update to the Board on the recent events at EHS.

G. ADJUSTMENTS TO THE AGENDA

(7) Approval of the Agenda

Trustee Fernandez made a motion to add a Discussion/Action item as Item 19.5 pursuant to Government Code Section 54954.2(b)(2). He notes that after the agenda was posted for this meeting, the District was contacted by the City with a request to present information regarding the proposed Dolbeer/W Street one-way couplet plan. Based on the timing of the request from the City, the Board's regular meeting schedule, and the possibility that this item may return to the City Council before the next District Board meeting, there is an immediate need to consider and take action on this item.

It was M/S by Fernandez/Duncan to add the additional conversation with the City of Eureka as D/A Item 19.5. Student Board Representative: yes 1, no 0, absent 0. Governing Board: yes 5, noes 0, absent 0. Motion carried.

It was M/S by Fernandez/Duncan to approve the Agenda, adding the additional conversation with the City of Eureka as D/A Item 19.5. Student Board Representative: yes 1, no 0, absent 0. Governing Board: yes 5, noes 0, absent 0. Motion carried.

H. INFORMATION

(8) Student Reports – No student report.

(9) Superintendent's Report – Van Vleck meets with all new employees and has enjoyed the meet and greets this year. It is fun and interesting to talk to the new staff at ECS.

(10) Board Members' Reports

Smith provided an update to the Board on Breast Cancer Awareness month. Clubs are raising money to help fight breast cancer and support athletics. She also reviewed upcoming events with clubs, including the multicultural night, and themed days for Homecoming Week.

Johnson attended the visit with Senator McGuire and enjoyed watching FFA students ask questions and provide information about the CTE program at EHS. She also attended the two recent City Council meetings.

Rebholtz attended the back to school night at Zoe and Grant. She also attended the ELA meeting, which was very informative. She asked that staff add an item to the next Board meeting to discuss how ECS handles bullying.

Ollivier also attended the visit with Senator McGuire and it was a great visit. The Senator was impressed with the CTE facilities and the educational opportunities being provided. She also attended the Student Services Special Meeting and participated in a tour of Central Kitchen.

Fernandez has been busy at work and is glad to be at the meeting. He notes he was able to help resolve an issue with the golf team, which was good.

Duncan recently did a walkthrough of the gym and has been enjoying football. He also attended one of the City Council meetings. There is a lot of concern and unhappiness with the City's proposed couplet near Washington Elementary School.

I. PUBLIC COMMENT ON NON-AGENDA ITEMS

Terra Pennsy, a math teacher at Zane, addressed the Board on behalf of another teacher, Scott Grant. Grant joined the Zane team in the middle of a chaotic year last year and has done a lot to serve the students. He was disappointed to learn he had to work 75% of the year to receive permanent status. He is short half a day of the 75% time. He had done a lot of work unpaid, on his own time. Pennsy understands this is a contract language issues but believes there should be a good will offer on behalf of the District. She believes the District can make this right and change this for the positive.

Jocelyn Gibbons, a parent of a student at Grant Elementary, addressed the Board regarding clubs at the elementary schools. She requests the Board add an item to the next Board meeting agenda to discuss adding clubs at the elementary schools. Teachers could receive a stipend for assisting with the clubs. Afterschool clubs provide an opportunity for growth and enrichment. She would like to see the students at ECS get the same club opportunities as other local schools.

J. CONSENT CALENDAR

It was M/S by Johnson/Duncan to approve the following Consent Calendar items:

- (11) Approval of Personnel Action Report No. 4
Referred to the Board by:
Renaë Will, Executive Director of Personnel Services of Public Affairs

- (12) Approval of Minutes from the Regular Meeting on September 15, 2022 and the Special Meetings on September 16, 2022 and September 19, 2022
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
- (13) Approval of 2022-23 Transportation Services Agreement between Northern Humboldt Union High School District (NHUHSD) and Eureka City Schools (ECS)
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (14) Approval and Receipt of Grant Award Notice: Strengthening Career and Technical Education for the 21st Century Act
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (15) Approval of Intent to Apply for the School Health Demonstration Project
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (16) Approval of Grant Agreement Between County of Humboldt (Department of Health & Human Services) and Eureka City Schools (Family Resource Center)
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (17) Approval of Amended Memorandum of Understanding Between County of Humboldt and Eureka City Schools Humboldt Bridges to Success Program
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (18) Approval of Memorandum of Understanding (MOU) between the County of Humboldt and Eureka City Schools for Measure Z Funding for 2022-2023 (School Resource Officer)
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

Student Board Representative: yes 1, no 0, absent 0. Governing Board: yes 5, noes 0, absent 0. Motion carried.

K. DISCUSSION/ACTION

- (19) Consideration of Student Expulsion (EC Sec 48918(c) or 760030) [Student #22-23-018; Resolution#22-23-006]
Referred to the Board by:
Lisa Claussen, Director of Student Services

It was M/S by Johnson/Duncan to approve the Student Expulsion (EC Sec 48918(c) or 760030) [Student #22-23-018; Resolution#22-23-006].
Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

- (19.5) Presentation by City of Eureka Staff on One-Way Streets Surrounding Washington Elementary School
Referred to the Board by:
Lisa Ollivier, President
Item added pursuant to Government Code Section 54954.2(b)(2)

President Ollivier notes SCLS Attorney Erin Staff is listening and representing the District on this matter.

Superintendent Van Vleck provided an overview to the Board on the Dolbeer/W Street Couplet and notes the next item on the agenda relates to a resolution thanking the City Council for failing a recent resolution to turn the streets around Washington Elementary School to one-way. He provided an overview of recent City Council meetings, which occurred on September 20th and September 27th. The resolution was prepared after the September 27th meeting and the agenda was posted last week. This week, on October 4th, the City Council had another meeting, and will be reconsidering the vote made on September 27th at a meeting next week.

The District is concerned with safety and notes if the City Council passed this action, many students would be dropped off on the traffic side of the street, when exiting a parent's vehicle. The school district does not want to make students less safe and the most dangerous times of the day is during student drop-off and pick-up times. The District moved forward with the new student drop off on Chester, in order to address safety concerns. When the City did the pilot over the summer, Chester was planned to be a two-way street, and the District did not know the City planned to move Chester to a one-way street until the City Council meeting on September 27th. Another concern is the increase in traffic flow, as there will be more than a 300% increase of traffic on Chester and more than 150% increase on Dolbeer.

The District brought these concerns to the City and City Manager Miles Slattery is at the ECS Board meeting to present to the Board. Slattery reviewed information presented at the recent City Council meetings. The City Council asked Slattery to bring proposed solutions to the bus drop-off to the ECS Board. He presented three options to the Board.

The Board notes concern that all three options presented require students to be dropped off on the traffic side of the street. Additional concerns include rubber barriers vs. cement buffers and students having to walk in front of the bus in order to get to the sidewalk. Concerns are noted,

specifically, for transitional kindergarten-aged children being required to walk across the street.

Public Comment

Jocelyn Gibbons addressed the Board and notes all the options the City presented are terrible.

Patty Callison addressed the Board and conveyed all the City's options are embarrassing and she is appalled. She would like the City to acknowledge the survey results, where everyone said "no".

Rex Bohn addressed the Board and states he is familiar with the area being discussed. He believes there needs to be a 4th option, which would be to leave the streets the way they are. He appreciates what the City is trying to do but is very concerned about the liability component. The safety of the students should be considered first and foremost. He provided information on a process he participated in involving a light at Oak and F, which involved a lot of community outreach. The City process regarding this project needed to have involved lot more outreach. Community members and bike riders can utilize the trails through the park.

Connley Brown, a community member, addressed the Board. The study the City did occurred when the school was not in session, which is very concerning. There are many issues with the project and the study.

Michelle Constantine addressed the Board and believes the options presented by the City are disgusting and embarrassing. All the options are bad and the children's safety should matter more than a project.

A Trustee notes the report the City provided is dated September 29th, which is after both of the City Council's meeting where they considered this item. There are concerns the City's study is providing recommendations the City is not following, such as the barriers, recommendations on community/staff communication/agreements, traffic lights for visibility on Harris Street, and an acknowledgement that projects requested by the community are the most successful. Slattery notes this project has been in discussion for well over 20 years and this relates to the City's strategic visioning. The City Council chose to have a complete street vision as part of the Strategic Plan. Trustees note the polls have shown that more than 80% of the respondents are not in support of the one-way project.

A Trustee asked what Slattery and the City are going to do to keep the students safe, if this passes. Slattery notes the safety will relate to educating the parents. Trustees note concerns with how rushed this one-way project seems. The District has done a lot of work on sites and have

communicated and discussed these items with the City in 2/2 meetings. The one-way proposal was never provided to the ECS Board President or Clerk in any of the 2/2 regular meetings.

Another trustee notes on pg. 2, figure 21, the study gave another alternative, which would help address some (but not all) of the District's concerns. Slattery notes this is not the preferred option by the City Council.

Trustees note the three options brought to the ECS Board were not included or reviewed in any study. There are lot of people being put at risk when a process like this is rushed. A Trustee believes this is an overreach of the City Council, as this project is funneling all the traffic around the school, creating an unsafe environment.

Trustees note concern with an inability to use the newly construction drop-off/pickup zone at Washington School if the City moves forward with the one-way streets. Slattery believes the current drop-off location is usable but would require a parent to do a circular motion back onto the one-way on Chester. The Board notes a concern with a gridlock of traffic as families try to enter/exit the current drop-off one-way.

The study, dated September 29th, was conducted in the Summer of 2022, when there were no students on campus. Slattery notes the three options proposed to the ECS Board regarding the buses are not the only three options but these are the options City staff were asked to bring to the Board.

A Trustee notes a current concern, as the streets around Washington School are not currently marked, which is very unsafe for families and students.

Slattery conveyed this item will come back to the City Council for consideration on October 18th at 5:00 p.m. Superintendent Van Vleck asked if the City Council would like to have a joint meeting between the City Council and ECS Board regarding this issue. Slattery will ask City Council but doubted it could happen.

Trustees suggested Slattery ask the Council to considering redoing the study with students in school.

In response to a question from Van Vleck on timing, Slattery conveyed that if the City Council moves forward with approving the one-way streets on October 18th, the striping could happen as soon as the following day. Van Vleck notes the City's timeline is concerning, as educating the community on the one-way streets is part of how the City plans to keep students safe. The City and the District cannot educate the community/families overnight

In response to a question by Van Vleck, Slattery confirmed the three proposals brought to the ECS Board have been reviewed by City engineers, not the group who conducted the original study. The Board feels the City is disregarding the results of the various polls, which clearly show concern and a lack of support for the project.

It was M/S by Duncan/Olliver to affirm the following: Eureka City Schools is adamantly opposed to this Dolbeer Couplet Project due to the lack of consideration for student safety.

Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

Trustees note there are concerns the study was not conducted when school was not in session and students were not present. There is concern with trust, as many people have voiced concern over this project and are not being heard. Furthermore, a City engineer has a vested interest in doing what the City wants, and the options presented to the ECS Board were not reviewed by a third-party. A third-party has a duty to do a study and conduct findings.

- (20) Discussion and Possible Adoption of Resolution 22-23-007 - Thanking the Eureka City Council and Acknowledging Official Position on One-Way Streets Surrounding Washington Elementary School
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

Item failed due to lack of motion or discussion.

- (21) Approval of 2022-2023 Strategic Plan
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided information to the Governing Board on the 2022-2023 Strategic Plan. He notes an appreciation for the ECS staff who helped with this project. It is exciting to have a plan in place to help support the goals of the Board and student achievement.

It was M/S by Fernandez/Duncan to approve the 2022-2023 Strategic Plan. Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

- (22) Approval of Low Bid for the EHS Science Building Project
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

The District only received one bid on this project but is comfortable recommending approval of the bid from Adams Construction, as the District can reference the previous bid from Dinsmore Construction.

It was M/S by Johnson/Duncan to approve the Low Bid for the EHS Science Building Project from Adams Construction in the amount of \$9,979,680. Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

- (23) Approval of Additive Alternates for the EHS Science Building Project
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

The additives alternatives cover costs that arrive over the course of construction, including change orders.

It was M/S by Johnson/Duncan to approve the Additive Alternates for the EHS Science Building Project. Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

- (24) Oral Recommendation Regarding Salary and/or Fringe Benefits and Consideration of Ratification of Superintendent's Employment Agreement
Referred to the Board by:
Lisa Ollivier, Trustee

This item is to approve an amended employment contract for the Superintendent. The term of the contract is from July 2023 to June 2027. The compensation proposed to be awarded includes: a base salary of \$232,201 plus a 6% increase for a doctoral degree, with annual cost of living adjustments, vacation pay of up to 40 days maximum accrued leave and the option to cash out 10 days of vacation, \$3,600 per year in contributions to a retirement account, and health and welfare benefits, as provided to all management employees.

Trustee Duncan notes he appreciates what the Superintendent does for the District and that he leads with integrity. Trustee Ollivier conveyed the Superintendent has gone about and beyond and the schools are reflecting a good morale.

It was M/S by Johnson/Duncan to approve the Superintendent's Employment Agreement for Fred Van Vleck, Ed.D., for 2023-2027. Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 5, noes 0, absent 0. Motion carried.

L. DISCUSSION

- (25) Preliminary Pupil Summary Results for the 2021-22 Administration of the California Assessment of Student Performance and Progress (CAASPP) for English Language Arts and Math

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

Storts provided an update to the Board on the 2022 CAASPP results. He reviewed the CAASPP Achievement Levels by specific grade levels and matched cohorts. Storts notes all growth and achievement should be celebrated. Currently the data is showing at or above grade level in ELA. It is noted teachers have the greatest impact on learning and these results are due to the hard work of teachers and students.

- (26) Update to the Governing Board on the District's Approach to Strategic Priority Area 3: Mental Health, Socio-Emotional Wellness, and Family Engagement

Referred to the Board by:

Lisa Claussen, Director of Student Services

Claussen provided a review of the District-wide social-emotional and mental health supports available. ECS is one of 25 school districts in the County to support and train social workers in schools through the Mental Health Demonstration Grant. The District also provides support to students through the Community Schools Implementation Grant, Bridges to Success, Wellness Center, Marshall Family Resource Center, etc. Claussen provided information to the Board on job titles and functions, and how the positions work together to provide support to students and families. There are many supports available and the District is going to work on spreading the word on the work being done, services provided, etc.

M. CLOSED SESSION

Closed session did not continue.

N. RECONVENING OF OPEN SESSION

Not applicable. Closed session did not continue.

O. REPORT OUT FROM CLOSED SESSION

Not applicable. Closed session did not continue.

P. INFORMATIONAL ONLY ITEMS

- (27) Information Only: November 2022 - Review of CDE Calendar of Events

Q. ADJOURNMENT

President Ollivier adjourned the meeting at 8:37 p.m.

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Respectfully submitted,

Fred Van Vleck, Ed.D.
Secretary of the Board of Education

Micalyn Harris, Recording Secretary

**EMPLOYMENT AGREEMENT
BETWEEN
EUREKA CITY SCHOOLS AND FRED VAN VLECK, Ed.D.**

This Agreement is made this 6th day of October, 2022, by and between the Governing Board of Eureka City Schools, a Unified School District ("Board", "Governing Board", or District") and Fred Van Vleck, Ed.D. ("Superintendent"), hereinafter together referred to as "the Parties." The Parties, for the consideration specified in this Agreement, agree as follows:

I. TERM

The Governing Board hereby employs Superintendent for a term of four years, commencing July 1, 2023 and terminating on June 30, 2027, subject to the terms and conditions set forth in this Agreement. The District and Superintendent agree the existing employment agreement entered into on February 6, 2020 between the Parties hereto is cancelled and terminated effective as of midnight June 30, 2023.

II. SUPERINTENDENT AND BOARD RESPONSIBILITIES

- A. Superintendent shall serve as Chief Executive Officer and Secretary of the Governing Board pursuant to Education Code section 35031. The Superintendent shall have primary responsibility for execution of Board policy and responsibility for the duties prescribed by Education Code section 35035. The Superintendent shall perform the duties of District Superintendent as prescribed by the current federal and California laws and regulations, Board Policy, and District Regulations, and shall carry out the directions and policies of the Governing Board.
- B. Superintendent shall have all the powers and duties delegated to Superintendent by the Board and shall execute all powers and duties in accordance with Board policies and District regulations, and federal and California laws and regulations, including the rules and regulations of the State Board of Education.
- C. Superintendent shall be responsible for organizing, reorganizing, and arranging the staff of the District and making recommendations to the Board regarding all personnel matters, including selection, assignment and transfer, and dismissal of employees.
- D. The Board, individually and collectively, will promptly refer all criticisms, complaints and suggestions brought to the Board's attention to the Superintendent for appropriate consideration and/or action.
- E. The Board and Superintendent shall annually discuss Superintendent-Board relationships. The Parties shall meet to establish District goals and objectives for the ensuing school year. As provided for in Section X of this Agreement, the Board shall annually review the performance of the Superintendent as it relates to the goals

mutually determined by the Superintendent and the Board.

III. SALARY

- A. Annual Salary. The annual salary shall be payable in twelve (12) equal monthly payments. When only a portion of any year or month is served, the Superintendent's salary shall be prorated to reflect such service. For each year of this Agreement, commencing with the 2023-2024 school year, the annual salary shall be adjusted as follows, based on a 2022-23 salary of \$232,201 :
1. The annual salary of the Superintendent shall be increased pursuant to the following two factors:
 - a. Factor 1: The current year's funded Cost of Living Adjustment (COLA) approved by the State of California in its annual Public Education budget, retroactive to July 1 of the current year, shall be applied to Superintendent's prior year salary. This adjustment shall be made by operation of contract and confirming correspondence between the Superintendent and the Board President typically no later than September 30 of each year.
 - b. Factor 2: Subsequent to any COLA adjustment, as referenced above, the Superintendent's salary shall be compared to the median (middle) of the salaries of superintendents in unified school districts within California, having an Average Daily Attendance (ADA) between 2,500-5,500 students. The Parties agree that the median salaries of superintendents shall be established, based upon the J-90 comparison report of superintendents' salaries for the previous year, as reported by School Services of California in November/December of the current year. Based on that comparison, the Superintendent's salary shall be further adjusted upwards if it is below the median point to be at the median point except as provided below in subsection III.A.3 below.
 - c. Should the factors in Sections III.A.1.a and b. above, either individually or collectively result in an increase that exceeds the California Consumer Price Index for Urban Wage Earners and Clerical Workers as calculated by the Department of Industrial Relations, the increase in excess of this amount shall not take effect until action is taken by a majority of the Board to increase the salary in a public session at a regularly scheduled meeting of the Governing Board, in accordance with the Brown Act.
 2. The Governing Board reserves the right to increase the Superintendent's salary, with mutual consent of the Superintendent and ratification by the Governing Board. It is further provided, however, that by so doing, it shall

not be considered that a new contract has been entered into or that the termination date of the existing contract has been extended. Any increase shall be subject to the conditions set forth in Section III.A.1.c above.

3. In no case shall the application of the above-mentioned factors in Section III.A.1 result in a reduction of the Superintendent's salary from that which he received in the previous year.
4. The above salary terms take into consideration the concept of "step and column" salary increases and the commitment of the Board to maintain competitive salaries.

IV. HEALTH, WELFARE AND LEAVE BENEFITS

- A. Management Employee's Health and Welfare Benefits. Superintendent shall receive all health and welfare benefits of employment enjoyed by other certificated administrators /management employees of the District.
- B. Sick Leave. Superintendent shall be entitled to twelve (12) working days of sick leave each contract year which may be accumulated from year to year in accordance with relevant statutes set forth in the California Education Code.

V. DUTY STATUS

- A. Regular Service. Superintendent shall be required to render 212 days (which shall not include vacation days and holidays) of full and regular service to the District during each annual period covered by this Agreement.

Notwithstanding the foregoing, Superintendent shall be on call to perform his duties 24 hours a day, seven days a week. Superintendent acknowledges that as a 24/7 employee, District affairs may call upon him to devote other than work days as the Chief Executive Officer of the District. Accordingly, the Superintendent's compensation takes into account his status as a 24/7 employee.

- B. Independent Contractor Activities. Superintendent may undertake consultative work, speaking engagements, writing, lecturing or other professional duties and obligations, with or without compensation, provided such activities do not interfere with or conflict with the Superintendent's performance of his duties under this Agreement. All such service or engagements shall occur on Superintendent's own time and shall not conflict with any duties or obligations to Eureka City Schools. Superintendent acknowledges that the demands upon the Superintendent's time may limit such outside employment. On all outside employment or activities, Superintendent shall be an independent contractor and not an employee of the District. Nothing herein shall prevent the Superintendent from identifying himself as the Superintendent of Eureka City Schools.

- C. Annual Vacation. Superintendent shall be entitled to thirty (30) days of annual vacation with pay, exclusive of holidays defined in Education Code sections 37220 and 37222. Vacation for each school year is accrued upon commencement of services for that school year.

As recognized under California law, vacation is a form of compensation and cannot be lost if vacation is not taken although the amount of vacation accrued may be limited. The total number of available/accrued vacation days may not exceed forty (40) days during the term of this Agreement. In recognition that the Superintendent may not, due to the needs of the District, take vacation on a regular basis, and taking into account the budgetary constraints of the District, the Superintendent may elect to be paid compensation equal to a maximum of ten (10) days of unused vacation in any fiscal year or carry over a maximum of ten (10) days, provided that such carry over shall not exceed the forty (40) days accrual maximum. Such payment shall be computed according to the daily rate of salary in effect on the date of the Superintendent's election to exercise this right. The daily rate shall be computed as set forth below. The District Board does, however, reserve the right to direct the Superintendent to use unused accrued vacation during the course of the year or in advance of retirement or termination.

In the event of retirement from the District, or termination of this Agreement, Superintendent shall be entitled to compensation for all unused vacation days at the current salary rate. The salary rate shall be calculated as the annual salary plus the Doctoral Stipend described in Section VIII.C below, divided by two hundred twelve (212).

VI. TRAVEL AND REIMBURSEMENT

- A. Vehicle Allowance. Superintendent shall be on call to perform his duties twenty-four (24) hours a day and is expected to have a vehicle available at all times to perform his duties including attendance at necessary evening and weekend meetings. Accordingly, District shall pay Superintendent Six Hundred Dollars (\$600) per month to assist in defraying the cost to insure, maintain and pay all operating costs and expenses of his automobile. Any expenses in excess of this amount shall be the responsibility of the Superintendent.
- B. Expense Reimbursement. District shall reimburse the Superintendent for reasonable, actual and necessary expenses (e.g. meals, registration fees, travel and for mileage reimbursement outside Humboldt County) for attendance at meetings and workshops, school related activities, and other functions which directly contribute to the addressing of the District's mission and goals.
1. Data/Cell Phone. With the understanding the Superintendent is expected to be available 24/7 by email and phone, the District shall provide a monthly payment of One Hundred Twenty Dollars (\$120) to help offset such expenses.

2. Computer. Understanding that much of the work of a Superintendent is after normal office hours, the District shall provide a monthly payment of Two Hundred Dollars (\$200) to help offset such expenses.
3. The Superintendent shall have access to and receive reimbursement from a Community Outreach/Good Will fund established by the Board on an annual school year basis. The amount shall be Four Thousand Dollars (\$4,000) per year. From this fund, the Superintendent shall be directly reimbursed for community service activities such as participation in local organizations, purchase of meals, participation in local events, fundraisers, and providing staff recognition and communication in the form of flowers or other means as he deems appropriate. The Superintendent shall provide an annual accounting to the Board of his use of this fund.

VII. PROFESSIONAL GROWTH TRAINING AND RECRUITMENT ACTIVITIES

The Parties agree that the leadership of the Superintendent is necessary to meet the educational goals of the District, which will require continuing professional growth of the Superintendent and the Superintendent's time devoted to recruitment and training. Accordingly, the District agrees to pay the following costs:

- A. Membership and Dues. The District shall pay the annual dues for Superintendent in three (3) professional organizations selected by the Superintendent. The District shall pay the fees associated with receiving the professional development support of an executive coach, which may be approved by the Governing Board in the annual budget.
- B. Recruitment and Training. In order to maintain and improve upon the educational goals established by the District, Superintendent may from time to time be called upon to recruit certificated and other staff and to attend training sessions which may or may not include other staff. The Superintendent, in accordance with Board Policy, shall be reimbursed, or advanced costs as the case may be, in accordance with Board Policy procedures. Costs shall be reasonably incurred in connection with such activities.

VIII. SUPERINTENDENT RETENTION INCENTIVE

The Parties agree that continuity in leadership, stability in administration, and a clear vision for the District are each paramount to the effective education of students in the District. The Parties further recognize that the direct costs of searching for a new superintendent and indirect costs in lack of continuity and stability justify employment incentives for the Superintendent. Accordingly, the Parties agree as follows:

- A. Tax Sheltered Annuity Contribution. The District agrees to pay \$300 on a monthly basis, to a tax-sheltered annuity of the Superintendent's choice.

- B. Term Life Insurance. At the Superintendent's request, District agrees to provide a benefit in an amount not to exceed One Hundred Dollars (\$100) monthly to enable the Superintendent to purchase a term life insurance policy wherein the Superintendent shall designate the District as a Twenty-five Thousand Dollars (\$25,000) beneficiary. The funds provided to the District will be applied to the costs associated with recruiting a new superintendent.
- C. Doctoral Stipend. In recognition of an earned applicable doctorate, a six percent (.06) factor shall be applied to the base salary.

IX. MEDICAL EXAMS

Upon request of the Governing Board, and if permitted by law, a written notification of good health regarding the Superintendent's physical ability to perform his duties shall be sent by the Superintendent's physician to the President of the Governing Board. Superintendent shall consent to the disclosure of information consistent with this paragraph, and agrees to execute all necessary releases of information relative and necessary to perform the duties of his office. The District shall pay for the all costs related to the comprehensive physical examination and any services performed pursuant to this section that may be incurred by Superintendent and that are not covered by the District-provided health coverage plan.

X. EVALUATION

- A. The Board will provide a formal evaluation of the Superintendent's performance at least once annually, no later than November 1st of each year. Such evaluation shall be for the prior 12-months. The Superintendent shall provide written notice to the Board each year regarding the formal evaluation process and its timeline. The Governing Board shall devote a portion of at least one meeting annually for discussion and evaluation of the performance and working relationship between the Superintendent and the Governing Board. The Superintendent will be responsible for calendaring these evaluation sessions with the Board.
- B. The Board and the Superintendent shall annually develop and agree upon performance goals and objectives that shall serve as the basis for the annual evaluation. Such goals and objectives shall be established no later than the end of March for the calendar year. Evaluation criteria shall be provided by the Board and shall be directly related to the Board-adopted superintendent's job description, the position's general scope of responsibilities, and any professional growth needs identified by the Board. The Superintendent shall provide a report to the Board regarding his progress on meeting established goals by the end of June and a final report in October.
- C. The Board President or his/her appointee shall have the responsibility of

summarizing the Board's evaluation in writing and providing a copy thereof to the Superintendent. A second copy of the evaluation shall be placed in the Superintendent's personnel file. The Superintendent may provide written comments regarding the evaluation and if so, they shall be filed with the evaluation in a sealed envelope in the Superintendent's personnel file and marked "Confidential: To be Opened by Authorized Personnel Only."

- D. The failure to provide the Superintendent an annual evaluation prior to November 1st of each year shall thereby deem the performance of the Superintendent as satisfactory. Failure by the Governing Board to participate or to comply with the evaluation process shall not be a material breach of this Agreement. The failure of the Superintendent to provide the above-described progress reports in September and/or in December shall relieve the Board of its obligation to do an annual evaluation and there shall be no conclusion deemed from such as to the performance of the Superintendent.
- E. In the event the Governing Board determines the performance of the Superintendent to be satisfactory, the Governing Board shall so state in writing. An evaluation shall be deemed to be "satisfactory" if a majority of Governing Board members approve the satisfactory performance.
- F. If areas of concern are noted by the Governing Board in the evaluation, and in the event the Governing Board determines the performance of the Superintendent is less than satisfactory, the Governing Board shall describe, in writing, the unsatisfactory performance, including specific instances where appropriate. A proposed plan for improvement shall be provided to the Superintendent with the completed formal annual evaluation document.
- G. The Governing Board shall meet and consult with the Superintendent regarding the proposed plan prior to finalizing it.
- H. In addition to the formal annual evaluation process, the Board may evaluate and discuss the performance of the Superintendent at any time during the term of this Agreement. If, as part of such an evaluation, the Board determines that the Superintendent's performance is less than satisfactory, it shall comply with Subsections C and F of this Section.
- I. Any evaluation by the Board of the Superintendent's performance shall be conducted in closed session in accordance with the Brown Act.

XI. TERMINATION OF EMPLOYMENT CONTRACT

- A. Credential. This Agreement may be terminated for Superintendent's failure to maintain a valid California Administrative Credential.
- B. Mutual Agreement. This Agreement may be terminated by mutual consent of the

Parties hereto, provided, however, that the party seeking termination shall provide no less than sixty (60) days' written notice to the other party.

- C. Disability or Incapacity. If the Superintendent is unable to perform the essential functions of his position, with reasonable accommodation as a result of a physical or mental disability, this Agreement may be immediately terminated by the Board upon written notice to the Superintendent. To assist the Board in making such a determination, the Board shall have the right to consult with medical healthcare professionals in assessing the disability of the Superintendent. The Superintendent agrees to fully cooperate and to execute medical waivers as necessary to facilitate the assessment process including undergoing such examinations as may be necessary to determine such disability or incapacity.
- D. Retirement or Death of Superintendent. This Agreement is automatically terminated upon the retirement or death of the Superintendent.
- E. Termination for Cause. The Superintendent may be terminated by the Board at any time for cause. The term "for cause" shall be limited to mean immoral conduct, theft, fraud, embezzlement, or other conduct constituting moral turpitude; breach of contract; any ground enumerated in the Education Code; or the Superintendent's failure to perform his responsibilities as set forth in this Agreement. The Board shall not terminate this Agreement pursuant to this paragraph until a written statement of the grounds for termination has first been served upon the Superintendent. The Superintendent shall then be entitled to a conference with the Board at which time the Superintendent, and his representative, if one is selected by the Superintendent, shall be given a reasonable opportunity to address the Board regarding the proposed cause for termination. This conference with the Board shall be the Superintendent's exclusive right to any hearing otherwise required by law.

In the event Superintendent's employment is terminated for cause, no further payment shall be made to Superintendent under this Agreement which shall be deemed terminated.

- F. Early Termination.
 - 1. The Board may, at any time and without cause or a hearing, terminate this Agreement. In consideration for exercise of this right, the District shall pay to Superintendent for the remainder of the unexpired term of this Agreement, or twelve (12) months, whichever is less, a sum equal to the salary in effect at the time of such exercise. The Superintendent may elect to take the lump sum payment or monthly installments, which election shall be made in writing within ten (10) business days of such termination. Otherwise, the payment shall be a lump sum payment. The term "salary" shall mean a salary as defined in Section III. The District makes no representation as to the application of STRS service credit and/or creditable compensation related to payment under this section.

2. In addition to Section XI.F.1, and pursuant and subject to Government Code section 53261 in effect at the time of this Agreement, District agrees to provide a non-cash health benefit, equal to the benefit given to certificated management employees at the time, which shall be continued for the same duration of time as payment is made under Section XI.F.1 or until the Superintendent finds other employment which provides health benefits, whichever occurs first. If the Superintendent elects a lump sum payment, no such health benefits shall be provided except as otherwise may be required under state or federal law independent of this Agreement and Government Code section 53261.
 3. The Parties agree that damages to the Superintendent which may result from the Board's early termination of this Agreement cannot be readily ascertained. Accordingly, the Parties agree that the damage payment made pursuant to this early termination clause constitutes reasonable liquidated damages for the Superintendent, fully compensates the Superintendent for all tort, contract and other damages, and does not result in a penalty. The Parties agree that the District's completion of its obligations under this provision constitutes the Superintendent's sole remedy to the fullest extent provided by law. The Parties agree that this provision is intended to meet the requirements governing cash settlements as set forth in Government Code section 53260 et seq.
 4. Superintendent may, at his option, unilaterally terminate this Agreement by giving sixty (60) days' written notice that he will not fulfill the obligations of this Agreement and that he wishes to be relieved of this Agreement for the remainder of the period of the Agreement.
- G. Nonrenewal. The Governing Board may elect not to renew this Agreement for any reason and shall provide Superintendent with written notice of this fact no later than forty-five (45) days prior to the expiration of this Agreement, in accordance with Education Code section 35031. Superintendent shall inform the Governing Board of this notice requirement, in writing, no later than March 1, 2027. Superintendent agrees that failure to provide the Governing Board with such written notice shall conclusively constitute a material breach of this Agreement. Notwithstanding any contrary term contained in this Agreement, the Governing Board may, upon majority vote, immediately terminate this Agreement based on Superintendent's failure to provide the written notification and Superintendent shall not be entitled to any further payment or benefits under this Agreement.
- H. District Rights. Upon termination of this Agreement for any reason other than Section XI.E (Termination for Cause), the Superintendent may elect at his discretion to retire from the District through the State Teacher's Retirement System ("STRS") and the District shall provide health benefit coverage at the

level and on the same conditions and terms as is made available to then current management employees, if he meets the qualifications then in effect. The Superintendent, by way of signature on this Agreement, understands and agrees that in consideration for the provisions of Section III.F.1 above that provides for a possible 12 months of severance pay, he shall have no option to be reassigned to any other position in the District and all employment rights shall terminate by Board Action on Section III.F.1 above.

- I. Seeking Other Employment. Should the Superintendent seek other employment during the term of this Agreement, or any extension thereof, Superintendent shall notify the Board of his intentions to seek other employment no later than the date an appointment for an oral interview is set. Failure to provide the Board with such notice shall constitute a material breach of this Agreement. If at any time the Superintendent fails to perform his duties and obligations to District to the satisfaction of the majority of the Board during Superintendent's search for other employment, such failure shall constitute a material breach of this Agreement, and the Board may, upon majority vote, exercise any remedy provided for by law including, but not limited to, modification or termination for cause of this Agreement. In consideration for this Agreement, Superintendent hereby agrees to withdraw any pending written applications or appointments for oral interviews and shall not consider any other employment considered or entertained prior to the time of execution of this Agreement.
- J. Required Provisions. This Agreement is subject to the provisions of Government Code sections 53243-53243.4 and 53260(b). If this Agreement is terminated, Superintendent shall reimburse District in full for any cash settlement related to the termination if the Superintendent is convicted of a crime involving an abuse of his office or position. If the Superintendent is placed on paid leave pending an investigation and is convicted of a crime involving an abuse of his office or position, the Superintendent shall fully reimburse the District for any salary and health and welfare benefits paid to or for him during the leave period. If the District provides funds for the legal criminal defense of the Superintendent and the Superintendent is convicted of a crime involving an abuse of his office or position, the Superintendent shall fully reimburse the District for all funds paid for the Superintendent's criminal defense. For purposes of this paragraph, "abuse of office or position" is as defined in Government Code Section 53243.4. If Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, then the Board shall immediately terminate the Superintendent upon written notice (to be subsequently confirmed by independent audit), and if so confirmed then the Superintendent shall not be entitled to any compensation of any nature.

XII. GENERAL PROVISIONS

- A. Governing Law. This Agreement, and the rights and obligations of the Parties, shall be governed by and construed in accordance with the laws of the State of


California. This Agreement is subject to all applicable federal and state laws and regulations and to the lawful policies, rules and regulations of the District. Those laws, rules, and regulations are hereby made a part of the terms and conditions of this Agreement as though fully set forth in it. Notwithstanding, and to the extent the law will permit, the specific provisions of this Agreement shall prevail over any and all other laws, policies, rules, and regulations. Venue shall be in the Superior Court of the State of California in and for the County of Humboldt, and no other place.

- B. Entire Agreement. This Agreement contains the entire agreement and understanding between the Parties. It supersedes and replaces any prior agreement between the Parties. Furthermore, there are no oral understandings, terms or conditions, and neither party has relied upon any representation, express or implied, not contained in this Agreement.
- C. Amendment. This Agreement may be amended at any time during the term of the Agreement. However, such amendment shall be in writing and is only effective with the mutual consent of the Superintendent and ratification by the Governing Board.
- D. Severability. If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
- E. Construction. This Agreement will be liberally construed to effectuate the intention of the Parties with respect to the transaction described herein. In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, it is understood and agreed that the Parties have participated equally or have had equal opportunity to participate in the drafting hereof and no such contract term shall be construed or resolved against either party based on any rule of construction.
- F. Delivery of Notices. All notices permitted or required under this Agreement may be given personally or by U.S. Certified Mail addressed to Superintendent at the current address on file with personnel. Such notices shall be deemed received when personally delivered or when mail certification is signed.
- G. Headings. The headings of sections of this Agreement have been inserted for convenience of reference only and shall not affect the interpretation of any of the provisions of this Agreement.
- H. Attorney's Fees. In the event of any action or proceeding to enforce or construe any of the provisions of this Agreement, the parties shall be responsible for their own attorney's fees and costs regardless of the outcome of the action or proceeding.

Dated: 10-6-22


Lisa Ollivier, President, Governing Board

Dated: 10-06-22


Fred Van Vleck, Ed.D.

Ratified this 6th day of October, 2022, in Eureka, California, by the following vote:

AYES: 5
NOES: 0
ABSTAIN: 0
ABSENT: 0


Clerk, Governing Board

AGENDA ITEM

Agenda Title: Approval of Resolution #22-23-008 American Indian Heritage Month November 2022
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to adopt Resolution #22-23-008 recognizing American Indian Heritage Month – November 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The contributions of the American Indian to this nation's government, history, and culture are as numerous and varied as the tribes themselves. November is a month set aside to celebrate and learn about these great people. By passing this resolution, the Governing Board shows their support for the value of Eureka City Schools' participation in American Indian Heritage Month.

STRATEGIC PLAN/PRIORITY AREA:

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual resolution.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

This action has no financial impact on the District.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- Resolution - 22-23-008

Eureka City Schools | Board Resolution No. 22-23-008

AMERICAN INDIAN HERITAGE MONTH NOVEMBER 2022

- WHEREAS, this country was home to generations of native people long before the arrival of European explorers; and
- WHEREAS, each of these tribes had a unique and vibrant culture as well as a system of social order; and
- WHEREAS, the European settlers were aided in their survival by the teachings of this country's first inhabitants; and
- WHEREAS, the contributions of the American Indians to this nation's government, history, and culture are as numerous and varied as the tribes themselves; and
- WHEREAS, every tribe has celebrated heroes and elders of their own in sports, arts, theater, film, literature, engineering, medicine, education, and environmental science; and
- WHEREAS, the American culture has been greatly influenced by traditions of native people and their close relationship to the earth and all its inhabitants; and
- WHEREAS, the History-Social Science Framework for California Public Schools, kindergarten through grade twelve, states that the history curriculum of community, state, region, nation, and world must reflect the experiences of men and women and of different racial, religious, and ethnic groups which is integrated at every grade level.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Eureka City Schools Board of Trustees, hereby recognize the month of **November 2022** as **American Indian Heritage Month** in Eureka City Schools and urge all schools in the district to observe this month with appropriate programs, ceremonies, and activities.

Adopted this 18th day of October 2022.

Lisa Ollivier, Board President
Eureka City Schools

Date

AGENDA ITEM

Agenda Title: Approval of the 2022-2023 Career and Technical Education
Advisory Committee
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to approve the District CTE/Perkins Advisory Committee for 2022-2023.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Each local educational agency (LEA) receiving Perkins IV funds must involve parents, students, academic and CTE teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), business and industry, labor organizations, special populations, and other interested individuals in the development, implementation, and evaluation of CTE programs. The governing board of each school district participating in a CTE program shall appoint a CTE advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, school administration, and the field office of the Employment Development Department.

The committee is required to meet at annually at minimum.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 8: Career and Technical Education (CTE)

HISTORY *(list previous staff or board action(s) with dates if possible)*

During a review of Federal Programs in March 2017, it was determined that the District needed to form a Board-approved CTE Advisory Committee comprised of parents, students, academic and CTE teachers, faculty, administrators, career guidance and academic counselors, business and industry, labor organizations, special populations, and other interested individuals in the development,

implementation, and evaluation of the district CTE programs.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO*(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent Educational Services

Robert Standish, Principal Eureka High School

ATTACHMENTS:

Description

- ▣ EHS CTE Advisory Committee

EHS CTE Advisory 2022-23
For Board Approval on October 27, 2022

Last Name	First Name	Company
Brooks	Karen	HCOE Decade of Diff
Hang	Rebeka	Student-Auto/Engineering/IT
Cruz	Sarah	EHS Guidance Counselor
Land	Travis	CTE Parent/PGE
Lorenzen	Lacey	EHS Career Guidance Tech
Maples	Dale	Maples Plumbing
Matteoli	Marc	Four Star Realty
Roberts	Charli	EHS CTE Student-Ag
Row	William (Bill)	K12 Pathway Coordinator, North Far North
Rush	Draven	EHS CTE Student- Culinary/Computer
Sarvinski	Alissa	EHS CTE Teacher
Standish	Rob	EHS Principal
Tucker	Debby	Express Personnel
Williamson	Dax	CTE Parent/Williamson Wealth Advisor
Williamson	Lily	EHS CTE Student-Accounting/Ag
Mitchell	Sean	EHS Auto

AGENDA ITEM

Agenda Title: Approval of the Quarterly Report to the Governing Board as Mandated by the State, In Regards to the Williams Lawsuit
Meeting Date: October 27, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive this second quarter report for 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The Williams lawsuit has resulted in several mandates for California school districts. A quarterly report to the Governing Board regarding complaints and complaint resolution is one of the requirements.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 14: Clean, safe, functional, attractive classrooms, facilities and grounds.

HISTORY *(list previous staff or board action(s) with dates if possible)*

Quarterly report to the Governing Board.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

No financial impact to the District.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- ▢ Q3 Williams Report



Eureka City Schools

Quarterly Report on Williams Uniform Complaints (Education Code §35186)

Quarterly Reporting Period (please check one)

- ☐ 1st Quarter 2022 January 1 through March 31, 2022
☐ 2nd Quarter 2022 April 1 through June 30, 2022
☒ 3rd Quarter 2022 July 1 through September 30, 2022
☐ 4th Quarter 2022 October 1 through December 31, 2022

PLEASE CHECK THE BOX THAT APPLIES:

☐ **No complaints were filed** with any school in the district during the quarter indicated above.

☒ **Yes**, complaints were filed with schools in the district during the quarter indicated above.
The following chart summarizes the nature and resolution of these complaints.

Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	1	1	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	1		

Fred Van Vleck, Ed.D.

(Print Name of District Superintendent)

(Signature of District Superintendent)

Please return completed form to:
Janice Lourenzo, School Support
Humboldt County Office of Education
jlourenzo@hcoe.org

by: Quarter 1 due: 04/15/2022
 Quarter 2 due: 07/15/2022
 Quarter 3 due: 10/15/2022
 Quarter 4 due: 01/15/2023

AGENDA ITEM

Agenda Title: Approval of Compensation Increase for Classified, Certificated, Classified Management, Certificated Management, and Confidential Administrative Assistants and Approval of Revised Salary Schedules

Meeting Date: October 27, 2022

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve a 5.0% rate increase for classified, certificated, classified management, certificated management, and confidential administrative assistants, and to approve updated salary schedules effective December 1, 2022. In addition, for classified employees who were employed with the District on or before October 1, 2022, the Board is asked to approve a step increase effective December 1, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

These increases are outside the normal negotiation cycle. The Board and District have closed contracts with CSEA and ETA through June 30, 2024. Considering the District's budget, the Board asked staff to offer increases to both units, and Memorandums of Understanding were signed. The Board is pleased the District is able to offer this unprecedented increase outside of normal contract negotiations. The new salary schedules reflect increases for all employees on the salary schedules (excluding the Superintendent and Assistant Superintendents).

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 7: Human Resources

HISTORY *(list previous staff or board action(s) with dates if possible)*

N/A

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

5.0% increase included in the attached salary schedules and a one step increase for classified, non-management, staff (approximately 2.5%).

WHO*(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

Rena M. Will, Executive Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- ▣ Public Disclosure for 12-01-22 Increases
- ▣ Classified Salary Schedule 12-01-22
- ▣ Teacher's Basic Salary Schedule 12-01-22
- ▣ Nurse SPL Salary Schedule 12-01-22
- ▣ Children's Center Salary Schedule 12-01-22
- ▣ Classified Management Schedule 12-01-22
- ▣ Certificated Management Schedule 12-01-22
- ▣ Confidential Assistant Schedule 12-01-22

CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of

Eureka City Schools

Name of District

hereby certify that the District can meet the costs incurred under the Collective Bargaining

Agreement between the District and the Eureka Teachers Association and the CSEA Redwood Chapter #88 White Collar and Blue Collar units, as well as Certificated and Classified Management, and Confidential employees

Bargaining Unit

during the term of the agreement from July 1, 2021 to June 30, 2024.

The budget revisions necessary to meet the costs of the agreement are as follows:

Increase:

5% Increase effective December 1, 2022:

Certificated Non-Management Salary Expense	\$399,084
Certificated Non-Management Statutory Benefits	100,529
Certificated Management Salary Expense	89,614
Certificated Management Statutory Benefits	22,574
Classified Non-Management Salary Expense	240,438
Classified Non-Management Statutory Benefits	90,549
Classified Management Salary Expense	55,898
Classified Management Statutory Benefits	21,051

TOTAL: **\$1,019,737**

Increase:

Classified Salary Schedule One Step Forward effective December 1, 2022:

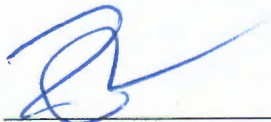
Classified Non-Management Salary Expense	\$123,919
Classified Non-Management Statutory Benefits	44,871

TOTAL: **\$168,790**

Increase:

COLA Augmentation (6.28%):

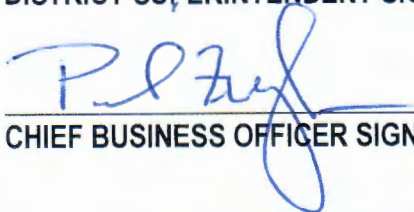
LCFF Revenue	<u>\$2,637,997</u>
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DISTRICT SUPERINTENDENT SIGNATURE

October 11, 2022

DATE



CHIEF BUSINESS OFFICER SIGNATURE

October 11, 2022

DATE

CERTIFICATION OF THE GOVERNING BOARD'S APPROVAL OF THE COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Collective Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Section 3547.5.


DISTRICT SUPERINTENDENT or DESIGNEE SIGNATURE

October 11, 2022

DATE

Paul Ziegler, Assistant Superintendent Business Services

CONTACT PERSON

(707) 441-2412

PHONE

After public disclosure of the major provisions contained in this summary, the Governing Board at its meeting on

October 27, 2022

Date

took action to approve the proposed Agreement with the

Eureka Teachers Association and the CSEA Redwood Chapter #88 White Collar and Blue Collar bargaining units, as well as Certificated and Classified Management, and Confidential employees.

☒ The Board has adopted the budget revisions which are necessary to meet the cost of this agreement.

PRESIDENT (OR CLERK), GOVERNING BOARD

Signature

October 27, 2022

DATE

COLLECTIVE BARGAINING AGREEMENT PUBLIC DISCLOSURE SUMMARY

Eureka City Schools

Type of Bargaining Unit:

☒ Certificated
☒ Certificated Management

☒ Classified ☒ Confidential
☒ Classified Management

The proposed agreement covers the period beginning July 1, 2021 and ending June 30, 2024
and will be acted upon by the Governing Board at its meeting on October 27, 2022

A. Proposed Change in Compensation

Compensation		Cost Prior to Proposed Agreement	Fiscal Impact of Proposed Agreement		
			Current Year Increase/(Decrease) 2022-23	Year 2 Increase/(Decrease)	Year 3 Increase/(Decrease)
1	Current year salary costs	\$ 26,402,858			
2	Step and column increase (Optional- if completed, do not include S & C costs in Line 1)	\$ 384,120			
3	Total Current year salary costs	\$ 26,786,978			
4	Salary schedule increase (decrease) - effective date December 1, 2022		\$ 785,034 5.00%		
5	Cost due to salary schedule restructure (i.e., longevity, step and column over prior contract)		\$ 123,919 2.55%		
6	One-time compensation (i.e., stipends, bonus, off schedule one time payments)		\$		
7	Reclassification of position(s)		\$		
8	Other compensation		\$		
9	Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare, etc. (blended rate)	\$ 15,655,155	\$ 279,574 29.57%		
10a	Health & Welfare costs before agreement	\$			
10b	Changes in Health & Welfare costs due to the agreement		\$		
10c	Health & Welfare costs after agreement (10a+10b)		\$		
10d	FTE's (impacted by health & welfare change)				
10e	Change in discretionary costs - per FTE (line 10b divided by line 10d)		\$		
11	Total Compensation Increase (decrease) (Total Lines 2, 4 thru 9 and 10b)		1,572,647		
12	TOTAL COMPENSATION INCREASE AS A PERCENTAGE OVER PRIOR FISCAL YEAR		% 3.74%		

Public Disclosure Form

Section A

4. What is the proposed negotiated percentage increase? For example, if the increase in "Current Year" was for less than a full year, what was the percentage increase given, what is the effective date of the increase, and what is the annualized percentage increase for "Year 1"?

The proposed agreement is for a 5% salary schedule increase, effective December 1, 2022. The increase applies to all Certificated non-management and management members, as well as all Classified non-management, management, and Confidential employees. The Superintendent and Assistant Superintendents, as contracted employees, are not included in the proposed salary increase. Projected cost of the Total Annualized increase, including statutory benefits, is \$1,748,121.

The adjusted percentage increase for Year 1, based on a December 1, 2022, effective date, is 2.92%.

5. Describe any changes or additions to step, column, or ranges on the salary schedules.

Effective December 1, 2022, all Classified non-management employees will "step forward" one step on the salary schedule. Projected annualized cost of the proposed step movement, including statutory benefits, is \$289,355.

The proposed step acceleration equates to a 2.55% increase. The percentage increase for Year 1, based on a December 1, 2022 effective date, is 1.70%.

6. Describe any one- time compensation increases.

Not applicable.

7. Describe any reclassifications of positions.

Not applicable.

8. Describe any "other compensation". Please include comments and explanations as necessary (if more room is necessary to answer, please attach additional sheet.)

Not applicable.

10. Changes in Health and Welfare costs.

- a. Does the district have a maximum on the employer paid portion of health and welfare?

_____ Yes _____ No

If yes, please describe the maximum dollar or percentage amount of the employer paid share of the health and welfare costs and any changes due to this proposed bargaining agreement.

- b. Describe all other changes in Health and Welfare costs.

Not applicable.

- B. Describe any proposed negotiated changes in non-compensation items** (e.g., class size adjustments, staff development days, teacher prep time, etc.)

Not applicable.

Public Disclosure Form

C. Will there be any specific impacts (positive or negative) to operations related to the settlement? Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians).

Not applicable.

D. What contingency language is included in the proposed agreement (i.e., reopeners, etc.)?

Not applicable.

E. What is the impact of the agreement on deficit spending in the current or future year(s)?

"Deficit Spending" is defined to exist when a district's expenditures exceed its revenues in a given year.

The increase in LCFF revenues provided by the 6.28% COLA augmentation from the final 2022/23 state budget more than offsets the cost of the proposed increase.

F. Are there any other provisions to be disclosed?

Not applicable.

G. What are the source(s) of funding for the proposed agreement?

1. Current Year

☒ General Fund Revenues
☐ Special Reserve

☐ Reduction in Expenditures
☒ Other (please explain)

Explanation:

The cost of the proposed agreement will be funded by an increase in LCFF revenue due to the 2022/23 COLA augmentation.

2. If this is a single year agreement, how will the ongoing cost, if any, of the proposed agreement be funded in future years? (i.e. COLA, staffing reductions, other sources of revenue)

Future years will be funded by ongoing revenues due to increased LCFF revenues.

3. If this is a multi-year agreement, what is the source of funding for these obligations in future years? Assumptions should include specifics, i.e., COLA, enrollment patterns. (Remember to include compounding effects in meeting obligations)

Not applicable.

PUBLIC DISCLOSURE FORM

H. Impact of Proposed Agreement on Current Year Operating Budget

- ____ 1. The cost of the proposed agreement is included in the current working budget dated June 28, 2022.
 ____ a. Copies of the budget transfers are attached (unless proposal was included in the adopted budget); or,
 ____ b. Section H3 below has been completed.
- X 2. Budget has not been updated for the proposal.
 ____ a. Proposed budget transfers are attached; or,
X b. Section H3 below has been completed.

H3. RECAP OF PROPOSED BUDGET ADJUSTMENTS				
	Column 1	Column 2	Column 3	Column 4
Bargaining Unit(s):	Latest Board-Approved Budget Before Settlement: June 28, 2022 <i>2022/23 Budget Adoption</i>	Unrestricted Budget Adjustment Increase (Decrease)	Restricted Budget Adjustment Increase (Decrease)	Total Proposed 2019/20 Budget (Columns 1+2+3)
A. REVENUES				
1. Revenue Limit Sources (8010-8099)	42,819,688	2,637,997		45,457,685
2. Remaining Revenues (8100-8799)	21,909,207			21,909,207
B. TOTAL REVENUES	64,728,895	2,637,997		67,366,892
C. EXPENDITURES				
1. Certificated Salaries (1000-1999)	17,386,133	268,784	219,914	17,874,831
2. Classified Salaries (2000-2999)	9,400,845	205,925	214,330	9,821,100
3. Employee Benefits (3000-3999)	15,655,155	148,174	131,400	15,934,729
4. Books and Supplies (4000-4999)	3,342,657			3,342,657
5. Services, Other Operating Expense (5000-5999)	7,998,605			7,998,605
6. Capital Outlay (6000-6599)	1,406,039			1,406,039
7. Other Outgo (7100-7299) (7400-7499)	2,671,593			2,671,593
8. Direct Support/Indirect Costs (7300-7399)	(124,974)			(124,974)
9. Other Adjustments				
D. TOTAL EXPENDITURES (C1:C9)	57,736,053	622,883	565,644	58,924,580
E. OPERATING SURPLUS (DEFICIT) (B-D)	6,992,842	2,015,114	(565,644)	8,442,312
F. TRANSFERS IN & OTHER SOURCES (8910-8979)				
G. TRANSFER OUT & OTHER USES (7610-7699)	(306,741)			(306,741)
H. CONTRIBUTIONS (8980-8998)				
I. INCREASE (DECREASE) IN FUND BALANCE (E+F+G+H)	6,686,101	2,015,114	(565,644)	8,135,571
J. BEGINNING BALANCE	19,956,721			19,956,721
K. CURRENT YEAR ENDING BALANCE (J+I)	26,642,822	2,015,114	(565,644)	28,092,292

IMPACT OF PROPOSED AGREEMENT ON DISTRICT RESERVES

I. VERIFICATION OF ACCEPTABLE MINIMUM RESERVE LEVEL

1. STATE-RECOMMENDED MINIMUM RESERVE LEVEL (after implementation of all proposed agreements)			
	2022-23		
a. Total expenditures, Transfers Out, and uses per current working budget plus total cost increases for all bargaining agreements	59,231,321		
b. Recommended minimum reserve percentage from table below	3.00%		
c. Recommended minimum reserve amount for this district (I1a times I1b) for districts with less than 1001 ADA, this is the greater of calculation or \$50,000	1,776,940		

J. IMPACT OF PROPOSED AGREEMENT TO THE BUDGET

1. GENERAL FUND (Fund 01) Unrestricted/Undesignated Only (Resource 0000)			
a. Board approved budgeted ending balance	20,622,694		
b. Changes to budgeted ending balance for all bargaining agreements - <i>(does not include additional LCFF revenue increase referenced on Page 4)</i>	(1,188,527)		
c. Estimated budgeted ending balance (line J1a plus J1b)	19,434,167		
2. SPECIAL RESERVE FUND (Fund 17)			
a. Board approved budgeted ending balance	1,611,329		
b. Changes to budgeted ending balance for all bargaining agreements			
c. Estimated budgeted ending balance (line J2a plus J2b)	1,611,329		
3. TOTAL DISTRICT RESERVES FOR THE YEAR OF AGREEMENT (Line J1c and J2c) (must be greater than I1c)	21,045,496		

TABLE OF STATE RECOMMENDED MINIMUM RESERVE PERCENTAGES

Percentage Level For Districts with ADA ranging from:			
5% or \$50,000 (Greater of)	0	to	300
4% or \$50,000 (Greater of)	301	to	1,000
	3%	to	30,000
	2%	to	400,000
	1%	and	Over

Classified Salary Schedule Effective December 1, 2022

	Step	1%	1.50%	2%	2.50%	3%	3.50%	4%	4.50%	5%	4%	4%	4%	4%	4%	WHITE COLLAR	BLUE COLLAR
Range	1	2	3	4	5	6	7	8	9	10	11	16	21	26	31		
1	15.75	15.91	16.15	16.47	16.88	17.39	18.00	18.72	19.56	20.54	21.36	22.21	23.10	24.02	24.99	Monitor, Playground Activity Supervisor	Food Service Worker
2	16.15	16.31	16.55	16.88	17.30	17.82	18.45	19.19	20.06	21.05	21.89	22.76	23.68	24.62	25.62	Preschool Monitor	
3	16.55	16.72	16.96	17.30	17.73	18.26	18.91	19.68	20.56	21.58	22.44	23.33	24.27	25.24	26.26	After School Program Asst, Intermediate Clerk Typist	Senior Food Service Worker
4	16.96	17.14	17.38	17.73	18.18	18.71	19.38	20.17	21.07	22.11	23.00	23.92	24.87	25.87	26.92	Early Education Asst	Sr. Food Service Worker Middle School
5	17.38	17.57	17.81	18.18	18.63	19.18	19.87	20.67	21.60	22.67	23.57	24.52	25.49	26.52	27.59	Instructional Asst SPED I	Custodian
6	17.81	18.01	18.25	18.63	19.09	19.67	20.36	21.19	22.13	23.24	24.16	25.13	26.13	27.18	28.29	Bilingual Community Liaison, Elem Library Tech, Family Services Advocate	Food Service Delivery Driver, Food Service Warehouse Worker, Warehouse Delivery Driver
7	18.25	18.46	18.70	19.09	19.56	20.16	20.86	21.71	22.69	23.81	24.77	25.76	26.79	27.87	28.99	Classroom Aide (Paraprofessional), COVID Testing Support Aide, Indian Ed Tech, Instructional Asst-At Risk, Instructional Assist Indian Ed, Instructional Asst SPED II, Lead After School Program Asst, Secondary School Att Clerk, Secondary School Counseling Clerk, Senior Clerk Typist	Assistant Cook, Grounds Maintenance Specialist
8	18.70	18.92	19.17	19.56	20.06	20.66	21.39	22.26	23.26	24.41	25.39	26.40	27.46	28.56	29.72	Campus Supervisor	
9	19.17	19.39	19.66	20.06	20.56	21.18	21.92	22.82	23.84	25.02	26.02	27.06	28.14	29.27	30.46	Bilingual English Learner Tech, English Learner Tech, Ind Ed Counseling Tech-HS, Literacy Tech, Math Tech, Secondary Library/Textbook Tech, Secondary Math Tech,Secondary School Finance Clerk II, Secretary, Tech Secretary	Elem School Lead Custodian
10	19.66	19.88	20.15	20.56	21.07	21.70	22.47	23.38	24.43	25.65	26.67	27.73	28.84	30.01	31.23	Ed Services Tech, Instructional Asst SPED III, Student Info Support Specialist	Cook Manager, High School Custodial Crew Leader, Jr High School Lead Custodian
11	20.15	20.37	20.65	21.07	21.60	22.25	23.04	23.97	25.04	26.29	27.34	28.42	29.57	30.75	32.00	Children's Center Secretary, Elem School Secretary, HS Secretary I, LVN/Instructional Asst, Middle School Secty, NECEP Student-Family Liaison, Sr Secty Special Services	Summer Programs Cook, Swimming Pool- Laundry Operator/Custodian
12	20.65	20.88	21.17	21.60	22.13	22.81	23.61	24.57	25.67	26.95	28.02	29.14	30.30	31.52	32.80	Senior Secretary M.O.T.	Food Service Manager, Painter Asst/Summer Maint Worker, Stage Tech/Custodian, Waste/Recycling Specialist
13	21.17	21.41	21.69	22.13	22.69	23.37	24.20	25.19	26.31	27.63	28.73	29.86	31.06	32.31	33.62	Food Service Secretary/Eligibility Specialist	Food Service Warehouse Lead, Warehouse Delivery Driver/Storekeeper
14	21.69	21.95	22.24	22.69	23.26	23.96	24.81	25.82	26.97	28.32	29.44	30.61	31.84	33.12	34.46	BSA, Family Support Coach, Intervention Supervisor, Restorative Practices Support Specialist, Student Info Support Specialist II/Registrar, Voc Caseworker TPP	High School Lead Custodian, School Bus Driver, School Custodian/Trainer/Rover,
15	22.24	22.49	22.80	23.26	23.84	24.56	25.43	26.46	27.65	29.02	30.18	31.37	32.63	33.95	35.32	Chronic Absenteeism Prevention Coord, CTE Career Guidance Tech, Guidance Tech, Indian Ed Site Lead, Sr Acct Clerk-Accounts Payable, Sr Acct Clerk-Accounts Recievable, Sr Acct Clerk-Buyer	Maintenance Specialist, Maintenance Utility worker, Painters
16	22.80	23.06	23.36	23.84	24.43	25.17	26.07	27.12	28.34	29.75	30.93	32.16	33.45	34.80	36.20	Payroll Tech, Senior Acct Clerk-Health Benefits, Student Info System Spec	Lead Carpenter, Lead Locksmith, Lead Maintenance Specialist, Lead Painter, School Bus Mechanic, School Bus Driver/Trainer/Dispatcher
17	23.36	23.64	23.95	24.43	25.04	25.80	26.72	27.80	29.04	30.49	31.71	32.97	34.29	35.67	37.11	HS Principal's Secty/Office Mgr, Info Tech Specialist III, Principal Account Analyst	
18	23.95	24.22	24.55	25.04	25.67	26.44	27.39	28.50	29.77	31.26	32.51	33.80	35.15	36.56	38.03	Sign Language Interpreter Tutor, Speech Lang Path Asst	
19	24.55	24.83	25.16	25.67	26.31	27.10	28.08	29.21	30.51	32.04	33.32	34.64	36.04	37.47	38.99	Principal Account Analyst II	
20	25.16	25.45	25.79	26.31	26.97	27.78	28.78	29.95	31.28	32.83	34.15	35.50	36.94	38.41	39.96	Info Tech Specialist IV	

Teacher's Basic Salary Schedule

Effective as of December 1, 2022

Step	Class IIB	Class IIIB	Class IVB
	BA/BS Degree	BA/BS Degree +60 units OR +45 units Including Master's	BA/BS Degree +75 units OR +60 units Including Master's
1	46,858 251.93	48,442 260.44	50,025 268.95
2	47,464 255.18	49,242 264.74	52,565 282.61
3	48,069 258.44	51,585 277.34	55,106 296.27
4	50,218 269.99	53,934 289.97	57,647 309.93
5	52,368 281.55	56,279 302.58	60,186 323.58
6	54,520 293.12	58,624 315.18	62,727 337.23
7	56,670 304.68	60,969 327.79	65,269 350.91
8	58,819 316.23	63,314 340.40	67,810 364.57
9	60,969 327.79	65,659 353.00	70,348 378.21
10	63,118 339.34	68,005 365.62	72,893 391.90
11	65,269 350.91	70,348 378.21	75,432 405.55
12-14	67,417 362.46	72,698 390.85	77,973 419.21
15-17	69,887 375.74	75,361 405.16	80,837 434.61
18-20	72,183 388.08	77,843 418.51	83,501 448.93
21-23	74,480 400.43	80,325 431.85	86,167 463.26
24-26	76,974 413.84	83,017 446.43	89,055 478.79
27	79,554 427.71	85,798 461.28	92,039 494.83

NOTE: Cells indicate annual salary and per diem.

Unit Conversion Table (Units refer to college semester units)

15 Semester Units = 22.5 Quarter Units

30 Semester Units = 45.0 Quarter Units

45 Semester Units = 67.5 Quarter Units

60 Semester Units = 90.0 Quarter Units

75 Semester Units = 112.5 Quarter Units

90 Semester Units = 135.0 Quarter Units

Newly hired teachers will be placed on the salary schedule based on the number of semester units completed beyond their BA/BS.

*CTE Teacher with a valid credential and no BA/BS Degree will be placed on the BA/BS Column Class I.

Board Approved 10-27-22

School Nurse and Speech Language Pathologist Salary Schedule

Effective as of December 1, 2022

Step	Teacher's Basic Salary Sched Step	Class IA BA/BS Degree	Class IB BA/BS Degree	Class IIA BA/BS Degree +45 Units	Class IIB BA/BS Degree +45 Units	Class IIIA BA/BS Degree +60 or +45 Inc Master's	Class IIIB BA/BS Degree +60 or +45 Inc Master's	Class IVA BA/BS Degree +75 or +60 Inc Master's	Class IVB BA/BS Degree +75 or +60 Inc Master's
1	8	52,272 281.03	54,323 292.06	56,591 304.25	58,819 316.23	60,912 327.48	63,314 340.40	65,235 350.73	67,810 364.57
2	9	54,152 291.14	56,279 302.58	58,659 315.37	60,969 327.79	63,168 339.61	65,659 353.00	67,676 363.85	70,348 378.21
3	10	56,030 301.24	58,232 313.08	60,726 326.48	63,118 339.34	65,422 351.73	68,005 365.62	70,119 376.98	72,893 391.90
4	11	57,909 311.34	60,186 323.58	62,793 337.60	65,269 350.91	67,676 363.85	70,348 378.21	72,560 390.11	75,432 405.55
5	12-14	57,909 311.34	60,186 323.58	64,860 348.71	67,417 362.46	69,931 375.97	72,698 390.85	75,004 403.25	77,973 419.21
6	15-17	57,909 311.34	60,186 323.58	67,230 361.45	69,887 375.74	72,492 389.74	75,361 405.16	77,755 418.04	80,837 434.61
7	18-20	57,909 311.34	60,186 323.58	69,437 373.31	72,183 388.08	74,878 402.57	77,843 418.51	80,318 431.82	83,501 448.93
8	21-23	57,909 311.34	60,186 323.58	71,648 385.20	74,480 400.43	77,261 415.38	80,325 431.85	82,878 445.58	86,167 463.26
9	24-26	59,849 321.77	62,203 334.43	74,047 398.10	76,974 413.84	79,853 429.31	83,017 446.33	85,656 460.52	89,055 478.79
10	27	61,854 332.55	64,287 345.63	76,527 411.44	79,554 427.71	82,525 443.68	85,798 461.28	88,524 475.94	92,039 494.83

School Nurse or SLP must have appropriate credential or certification to be placed on this schedule. This schedule does not apply to interns, special permits, or waivers.

Previous years of teaching and/or years working in the industry with the required credential or certificate will be recognized year-for-year with respect to placement on the salary schedule.

Board Approved 10-27-22

Children's Center Salary Schedule

Effective December 1, 2022

Step	Class I Permit	Class II Permit +60	Class III Permit +80	Class IV Permit* +BA	Class V Permit* +BA+15	Class VI Permit* +BA+30
	CL 1	CL 2	CL 3	CL 4	CL 5	CL 6
1	31,379	32,572	33,765	37,343	38,536	39,731
2	32,273	33,465	34,659	38,237	39,430	40,623
3	33,166	34,360	35,554	39,132	40,324	41,518
4	34,061	35,254	36,448	40,027	41,221	42,413
5	34,957	36,149	37,343	40,923	42,113	43,307
6	35,852	37,045	38,237	41,816	43,010	44,202
7	36,746	37,939	39,132	42,712	43,906	45,096
8	37,640	38,835	40,027	43,605	44,800	45,992
9	38,536	39,731	40,923	44,501	45,694	46,887
10	39,430	40,623	41,816	45,396	46,587	47,782
11	39,430	40,623	42,712	46,292	47,482	48,678
12	39,430	40,623	42,712	46,292	48,377	49,573
13	39,430	40,623	42,712	46,292	48,377	49,573
14	39,430	40,623	42,712	46,292	48,377	49,573
15	39,430	40,623	42,712	46,292	49,573	50,764
16	39,430	40,623	42,712	46,292	49,573	50,764
17	39,430	40,623	42,712	46,292	49,573	50,764
18	39,430	40,623	42,712	46,292	50,465	51,658
19	39,430	40,623	42,712	46,292	50,465	51,658
20	39,430	40,623	42,712	46,292	50,465	51,658
21	39,430	40,623	42,712	46,292	51,360	52,554
22	39,430	40,623	42,712	46,292	51,360	52,554
23	39,430	40,623	42,712	46,292	51,360	52,554
24	40,699	41,931	44,090	47,791	53,029	54,264
25	40,699	41,931	44,090	47,791	53,029	54,264
26	40,699	41,931	44,090	47,791	53,029	54,264
27	42,011	43,284	45,516	49,341	54,752	56,028

*Teaching Credential and Children's Center authorization may be used in lieu of Permit for Unit Conversion Table. See Appendix D.

Work year is 221 Days

Board Approved 10-27-22

Classified Management Salary Schedule Based on Per Diem

Effective December 1, 2022

() Indicates number of work days per year.

Step	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	Class IX
1	252	312	349	394	436	488	565	813
2	255	317	354	400	442	496	573	813
3	258	322	359	406	448	503	583	813
4	263	328	364	413	455	510	591	813
5	267	333	370	419	462	518	600	813
6	271	338	375	425	469	525	608	813
7	275	343	380	432	477	533	617	813
8	279	349	386	438	484	542	627	813
9	284	354	393	444	491	550	637	813
10	288	359	399	450	499	559	647	813
11	292	364	405	458	506	567	656	813
12	296	370	412	465	513	575	666	813
13	300	375	418	473	521	584	676	813
14	305	380	424	480	529	592	686	813
15	309	386	431	487	538	602	696	813
16	313	393	437	495	546	611	708	813
17	318	399	443	502	554	621	718	813
18	323	405	449	509	563	630	730	813
19	329	412	456	517	571	639	740	813
20	334	418	463	524	580	649	752	813
	Student Services Coordinator (190)	Director of Maint (228)	Director of Transport/ Ops/Risk Mgmt (228)	Project Mgr HCMHDG (186)	Director of Information Technology (228)	Director of Personnel Services and Public Affairs (220)	Exec Dir of Personnel Services and Public Affairs (220)	Assist Sup. Business Services (CBO) (220)
	District Safety and Security Coordinator (206)	Director of Food Services (228)		Board Cert Behavioral Analyst (192)	Director of Fiscal Services (228)			
	Assist Athletic Director (206)	Executive Assist to the Superintend (220)		Coordinator Homeless/ Foster Youth and MFRC (195)				
	Student Services Navigator (190)			Mental Health/Crisis Counselor (195)				
	Assist Dir of Transport/ Risk Mgmt (228)	Director of Transport/ Risk Mgmt (228)		Director of Maint and Facilities (228)				

Board Approved October 27, 2022

**Certificated Management Salary Schedule Based on Per Diem
Effective December 1, 2022**

() Indicates number of work days per year.

Step	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	Class IX	
1	269	420	436	452	467	483	504	530	
2	273	426	442	458	474	489	511	538	
3	277	433	448	464	480	497	519	545	
4	281	439	455	470	486	504	526	552	
5	286	445	461	477	492	511	533	560	
6	290	452	467	483	500	519	541	567	
7	294	458	474	489	507	526	548	575	
8	298	464	480	497	515	533	555	584	
9	302	470	486	504	522	541	563	592	
10	307	477	492	511	529	548	571	601	
11	311	483	500	519	537	555	580	609	
12	315	489	507	526	544	563	588	617	
13	319	497	515	533	551	571	596	626	
14	323	504	522	541	559	580	605	634	
15	328	511	529	548	566	588	613	643	
16	332	519	537	555	574	596	622	652	
17	336	526	544	563	583	605	630	662	
18	340	533	551	571	591	613	638	671	
19	345	541	559	580	600	622	648	680	
20	351	548	566	588	608	630	657	690	
	Director Early Childhood Education (220)	HCMHDG Project Director (186)	Instructional Coach District Wide (185)	Dean of Student Activities & Athletics (185)	Assistant Principal High School (205)	Associate Principal High School (215)	Middle School Principal (215)	Director of Student Services (220)	
School Social Worker (186)		Elementary Principal (205)							
Counselor Psychologist (192)		Lead School Psychologist (195)	Dean of Students (192)	Principal Alternative Ed. (205)			Director of Special Education (215)	Director of Curriculum, Instruction, and Assessment (220)	
School Counselor (195)									
Mental Health/Crisis Counselor (195)		Lead Speech Therapist (192)		Director of Community Schools and Social Emo Supports (205)					
Coord: Homeless/ Foster Youth and MFRC (195)									
Superv K-12 Educ Mental Health Coord (195)		Counseling Services Director (195)	Assistant Principal Middle School (205)	Special Education Program Specialist (205)			Director of Personnel (220)	High School Principal (220)	
Dir of Early Childhood Dev and Spec Educ (220)									

Board Approved October 27, 2022

Confidential Assistant Salary Schedule

Effective December 1, 2022

	Class II
Step	Per Diem
1	185.67
2	190.30
3	195.08
4	199.96
5	204.98
6	210.09
7	215.36
8	220.76
9	226.26
10	231.91
11	237.71
12	243.65
13	249.73
14	255.96
15	262.38
16	268.95
17	275.66
18	282.56
19	289.61
20	296.85

Based on 261 Work Days

Job Title: Administrative Assistant

Board Approved October 27, 2022

AGENDA ITEM

Agenda Title: Approval of Change Order No. 4: EHS Gymnasium Project

Meeting Date: October 27, 2022

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Change Order No. 4 for the EHS Gymnasium project.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The justifications for Change Order No. 4 are delineated in the attached document.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 19: New and Modernized Facilities

HISTORY *(list previous staff or board action(s) with dates if possible)*

The Board approved the low bid awarding the Eureka High School Gymnasium project to Thompson Builders Corporation at the April 29, 2021, meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Total additive cost for Change Order No. 4 is \$93,168.04.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Change Order No. 4

CHANGE ORDER

AIA DOCUMENT G701

OWNER	<input checked="" type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
FIELD	<input type="checkbox"/>
INSPECTOR	<input checked="" type="checkbox"/>

PROJECT:
Eureka High School
1915 J Street
Eureka, CA 95501

Change Order Number: 004

Date: October 17, 2022

Architect's Project No. EC17.03.54

TO CONTRACTOR:
Thompson Builders Corporation
5400 Hanna Ranch Road
Novato, CA 94945

Contract Date: May 10, 2021

Contract For: Construction of New Gymnasium
and Site Work

- 4.1 SHEET AD.2, (CPE 06/PR No. 5)
Furnish and install a new 24 gage G.I. flashing and vapor retarder at the head of fourteen (14) exterior doors per drawing ASK-14.

Requested By: District, Architect, Contractor

Reason: Request made to install an additional layer of sheet metal flashing across the head of exterior doors for additional protection from intrusion of water into the building.

Add \$ 3,921.00

- 4.2 SHEETS H2.1 and E201 (CPE 15/RFI No. 170)
Furnish and install a second channel support between trusses for installation of the perimeter light fixtures in the two gyms and weight room.

Requested By: Contractor, Architect, District

Reason: The light fixtures along the perimeter of these rooms are rotated 90 degrees from the balance of the light fixtures in each room to provide a uniform pattern of lighting. These fixtures run parallel with the trusses. A second means of support is required.

Add \$17,308.00

- 4.3 SHEET AD.5 (CPE 16/CCD No. 4)
- Along Grid Line "2" between Grid Lines "F" and "J" construct a continuous "BB-4" boxed beam on top of the current boxed beam per ASK-21.
 - Along Grid Line "10" between Grid Lines "E" and "J" construct a continuous "BB-4" boxed beam on top of the current boxed beam per ASK-21.
 - Add a continuous vapor retarder at the base in accordance with response to RFI 185.
 - Modify profile of galvanized sheet metal flashing.

Requested By: Architect, Contractor, District

Reason: The height of the curb where the low roof joins to the high walls must be raised to properly flash the roof membrane and maintain a minimum vertical height between the bottom of the Hardie panels and the roof.

Add \$33,054.00

- 4.4 SHEET H2.3 (CPE 26/RFI 243)
In room 139, reposition the fire sprinkler line drop to clear the mechanical duct work.

Requested by: Contractor, Architect

Reason: The size of the mechanical return air duct above the ceiling in this vestibule prevents the fire sprinkler line vertical drop to connect to the fire sprinkler head without routing the piping around the ductwork.

Add \$ 848.00

- 4.5 SHEETS P2.1, P2.2, P2.3 (CPE 27/PR 13)
Delete the furnishing and installation of the condensate drain lines for mechanical units HV-1, HV-2, HV-3, HV-4, HV-5, HV-6, HV-7 and HV-8

Requested by: Architect, District, Contractor

Reason: These mechanical units provide heat only and therefore do not create condensation which would require a condensate drain line to a drain.

Deduct <\$ 8,133.00>

- 4.6 SHEETS E007, E204 (CPE 29/RFI 256)
Furnish and install power to four fire/smoke dampers in the walls of the hallways in the southwest portion of the building.

Requested By: Contractor, Architect

Reason: The walls of these hallways are of one hour fire rated construction. The ductwork which passes through these walls have a fire/smoke damper which is required to close in the event of a fire. Electrical power is required for the fire/smoke dampers to operate.

Add \$ 3,853.04

- 4.7 SHEET E203 (CPE 30/RFI 95)
Adjust locations of electrical floor boxes for power and signal in the main gym floor to occur at the locations for the scorekeeper and check-in table for athletics during events.

Requested By: Contractor, Architect

Reason: The positions shown for these floor boxes on the electrical drawings were not correct. The boxes must be repositioned for proper use of the gym during events.

Add \$ 4,473.00

4.8 SHEETS E201 and E202 (CPE 32/PR No. 14)

In Rooms 100, 108, 119, 121 and 131 where any lighting control conductors are run in open ceilings, exposed to view, install continuous Panduit LD3 series surface raceway, single channel, two-piece, hinged cover design, color; white.

Requested By: District, Architect

Reason: The district requests the control wiring for the lighting fixtures be run in a protective raceway to prevent accidental damage from balls and to make any repairs in the future easier to perform.

Add \$ 9,529.00

4.9 SHEETS H1.1 and AD.9 (CPE 33/RFI 268)

Reconstruct the alcoves for drinking fountains in two locations to meet ADA requirements.

Requested By: Contractor, Architect

Reason: The width shown for these two alcoves did not take into consideration the additional ½-inch plywood backing which reduced the required clearance between the center line of each drinking fountain and side wall to less than allowed by ADA requirements. To correct this condition the walls had to be removed and reconstructed to meet ADA requirements.

Add \$ 3,285.00

4.10 SHEET E205 (CPE 35/RFI 272)

Furnish and install power to the roof mounted unit HP-1 serving the Concession Room.

Requested By: Contractor, Architect

Reason: The electrical drawings do not show power to this unit. Power is required for the heating/ventilating unit in the Concession Room to operate.

Add \$ 2,242.00

4.11 SHEET H1.1 (CPE 38/PR No. 15)

Grind and polish the concrete perimeter band between the walls and the wood floors in the main and auxiliary gym to match the finish of the exposed concrete in the balance of the building. Modify the design of the colored concrete in the Lobby to allow for the incorporation of an area of wood floor from the original gym building.

Requested By: Architect, District

Reason: The plans did not identify the perimeter band to be ground and polished in these two gym areas. The lobby area modifications were made to allow for a section of wood flooring center court from the original gym to be installed.

Add \$22,788.00

Change Order No. 4
Gymnasium at Eureka High School
Eureka City Schools District
Project No. EC17.03.54
October 17, 2022
Page - 4

Total Additive Cost for this Change Order

Add \$93,168.04

NOT VALID UNTIL SIGNED BY THE OWNER, ARCHITECT AND CONTRACTOR

The original **(Contract Sum)** was ----- \$ 24,293,000.00
Net Change by previously authorized Change Orders ----- \$ 87,525.00
The **(Contract Sum)** prior to this Change Order was ----- \$ 24,380,525.00
The **(Contract Sum)** will be **(increased)** by this Change Order in the amount of ----- \$ 93,168.04
The new **Contract Sum** including this Change Order will be ----- \$ 24,473,693.04
The Contract Time will be **(unchanged)** by 0 Calendar Days (0 Working Days). ----- (0) days.
The date of Substantial Completion for Phase One, Increments No. 1 and No. 2 as of
the date of this Change Order therefore is ----- October 6, 2022

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

ARCHITECT

F F & J Architects, Inc.
2101 Geer Road, Suite 308
Turlock, CA 95382

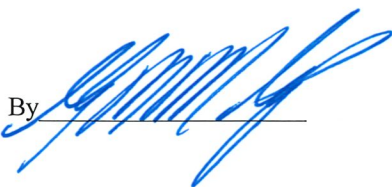
CONTRACTOR

Thompson Builders Corporation
5400 Hanna Ranch Road
Novato, CA 94945

OWNER

Eureka City Schools
2100 J Street
Eureka, CA 95501

By



By

By

Date OCT. 17, 2022

Date

Date

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Master Facility Plan Update

Meeting Date: October 27, 2022

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive and approve the 2022/23 Master Facility Plan.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The Master Facility Plan establishes a priority ranking and framework for development of capital improvements and ongoing deferred maintenance projects across the district. It is a working document that is responsive to the district's current and projected needs, and as such requires consistent evaluation and periodic updates.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 12: NEW AND MODERNIZED FACILITIES

HISTORY *(list previous staff or board action(s) with dates if possible)*

The district last provided a comprehensive update to the Master Facility Plan in conjunction with the November 2014 Measure S and March 2019 Measure T initiatives.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

To be determined.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▢ Master Facility Plan

EUREKA CITY SCHOOLS

2022/23 MASTER FACILITY PLAN

SITE		GENERAL PROJECTS	ATHLETIC FIELDS	FENCES	FIELDS
ALICE BIRNEY	Priority Rating	1	2	2	3
	Estimated Cost	4,500,000	200,000	75,000	75,000
	Comments	Office Modernization	Jacobs field; leveling and sprinkler system	Allard; Jacobs field to be addressed later	Leveling and sprinkler system (southwest campus)
GRANT	Priority Rating	3	NA	10+	4
	Estimated Cost	4,500,000	0	0	150,000
	Comments	Bus Drop-off	---	---	Leveling and sprinkler system
LAFAYETTE	Priority Rating	5	NA	2	5
	Estimated Cost	4,500,000	0	80,000	90,000
	Comments	Office Modernization; concern with direct campus access	---	Replace fencing along Park and Lincoln streets	Leveling and sprinkler system
WASHINGTON	Priority Rating	NA	6	3	10+
	Estimated Cost	0	150,000	270,000	0
	Comments	---	Leveling and sprinkler system upgrades	Replace fencing along W, Dolbeer, and Russell streets	---

EUREKA CITY SCHOOLS

2022/23 MASTER FACILITY PLAN

SITE		GENERAL PROJECTS	ATHLETIC FIELDS	FENCES	FIELDS
WINSHIP	Priority Rating	NA	7	7	NA
	Estimated Cost	0	150,000	300,000	0
	Comments	---	Leveling and sprinkler system upgrades	Complete exterior fencing	---
ZANE	Priority Rating	NA	7	1	NA
	Estimated Cost	0	225,000	30,000	0
	Comments	---	Leveling and sprinkler system upgrades	Replace fencing behind classrooms 45-47	---
LINCOLN	Priority Rating	NA	NA	10+	NA
	Estimated Cost	0	0	0	0
	Comments	---	---	---	---
EUREKA HIGH	Priority Rating	NA	NA	5	NA
	Estimated Cost	0	0	225,000	0
	Comments	Science Building modernization in progress; auditorium; cafeteria kitchen	Albee Stadium and Cloney Field in progress	Del Norte and N streets; stadium south	---

EUREKA CITY SCHOOLS

2022/23 MASTER FACILITY PLAN

SITE		GENERAL PROJECTS	ATHLETIC FIELDS	FENCES	FIELDS
CORP YARD	Priority Rating	1	NA	3	NA
	Estimated Cost	20,000	0	45,000	0
	Comments	Replace interior court yard gutters	---	Replace rusted chain link fencing	---
DISTRICT OFFICE	Priority Rating	NA	NA	10+	NA
	Estimated Cost	0	0	0	0
	Comments	---	---	---	---
WINZLER CENTER	Priority Rating	NA	NA	7	10+
	Estimated Cost	0	0	40,000	0
	Comments	---	---	Creighton Street side	---

Priority 1	4,520,000	0	30,000	0
Priority 2	0	200,000	155,000	0
Priority 3	4,500,000	0	315,000	75,000
Priority 4	0	0	0	150,000
Priority 5	4,500,000	0	225,000	90,000
Priority 6	0	150,000	0	0
Priority 7	0	375,000	340,000	0
TOTAL	13,520,000	725,000	1,065,000	315,000

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		FLOORS/CARPETS	GYMNASIUM	HVAC	CABINETS/TEACHING WALLS
ALICE BIRNEY	Priority Rating	1	NA	5	3
	Estimated Cost	350,000	0	105,000	225,000
	Comments	Cafeteria and three classroom wings	---	Replace units as needed (estimate \$3,500 per unit)	\$15,000 per room
GRANT	Priority Rating	3	NA	5	3
	Estimated Cost	15,000	0	63,000	210,000
	Comments	Portable 15 Carpet replacement	---	Replace units as needed (estimate \$3,500 per unit)	\$15,000 per room
LAFAYETTE	Priority Rating	4	NA	5	4
	Estimated Cost	65,000	0	87,500	135,000
	Comments	Replace/repair multi-purpose room flooring	---	Replace units as needed (estimate \$3,500 per unit)	\$15,000 per room; several completed already
WASHINGTON	Priority Rating	2	NA	5	6
	Estimated Cost	360,000	0	84,000	360,000
	Comments	Replace flooring in multi-purpose room, abate/replace tiles in 9 classrooms	---	Replace units as needed (estimate \$3,500 per unit)	Teaching walls and base cabinets

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		FLOORS/CARPETS	GYMNASIUM	HVAC	CABINETS/TEACHING WALLS
WINSHIP	Priority Rating	2	4	10+	NA
	Estimated Cost	65,000	165,000	0	0
	Comments	Library carpet replacement; abate/replace tile floors in 14 classrooms later	Sand and re-finish gym floor	Upgraded during 2004 modernization	Classroom size does not allow standard teaching wall
ZANE	Priority Rating	2	4	10+	NA
	Estimated Cost	70,000	165,000	0	0
	Comments	Replace carpet in Library and Main Office; abate/replace tile floors in 18 classrooms later	Sand and re-finish gym floor	Upgraded during 2004 modernization	Classroom size does not allow standard teaching wall
LINCOLN	Priority Rating	10+	NA	10+	10+
	Estimated Cost	0	0	0	0
	Comments	Upgraded during 2014-16 modernization	---	Upgraded during 2014-16 modernization	Upgraded during 2014-16 modernization
EUREKA HIGH	Priority Rating	4	10+	10+	NA
	Estimated Cost	170,000	0	0	0
	Comments	Cafeteria (polished concrete) w/abatement	Gym construction in progress	Previously addressed during modernization	Classroom size does not allow standard teaching wall

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		FLOORS/CARPETS	GYMNASIUM	HVAC	CABINETS/TEACHING WALLS
CORP YARD	Priority Rating	5	NA	6	NA
	Estimated Cost	5,000	0	7,000	0
	Comments	Replace office carpets	---	Replace units as needed (estimate \$3,500 per unit)	---
DISTRICT OFFICE	Priority Rating	2	NA	10+	10+
	Estimated Cost	25,000	0	0	0
	Comments	Boardroom floor	---	---	Art, Jewelry and Pottery classrooms
WINZLER CENTER	Priority Rating	7	NA	6	7
	Estimated Cost	22,000	0	17,500	75,000
	Comments	Staff room	---	Replace units as needed (estimate \$3,500 per unit)	\$15,000 per room

Priority 1	350,000	0	0	0
Priority 2	520,000	0	0	0
Priority 3	15,000	0	0	435,000
Priority 4	235,000	330,000	0	135,000
Priority 5	5,000	0	339,500	0
Priority 6	0	0	24,500	360,000
Priority 7	22,000	0	0	75,000
TOTAL	1,147,000	330,000	364,000	1,005,000

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PAINTING EXTERIOR	PAINTING INTERIOR	PARKING LOTS	PLAYGROUND HARDCOURT
ALICE BIRNEY	Priority Rating	5	1	6	1
	Estimated Cost	90,000	45,000	60,000	200,000
	Comments	Paint site more frequently due to rust factor	Contingent on access to classrooms	Slurry coating/stripping to preserve new lots	Address damage from tree roots
GRANT	Priority Rating	10+	5	5	10+
	Estimated Cost	0	45,000	30,000	0
	Comments	---	Contingent on access to classrooms	Slurry coating/stripping as needed	---
LAFAYETTE	Priority Rating	10+	3	5	4
	Estimated Cost	0	45,000	60,000	160,000
	Comments	---	Contingent on access to classrooms	Slurry coating/stripping to preserve new lots	Slurry playground surface; install retaining wall
WASHINGTON	Priority Rating	4	2	4	3
	Estimated Cost	110,000	45,000	40,000	65,000
	Comments	---	Contingent on access to classrooms	Slurry coating/stripping as needed	Slurry playground and between classroom wings

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PAINTING EXTERIOR	PAINTING INTERIOR	PARKING LOTS	PLAYGROUND HARDCOURT
WINSHIP	Priority Rating	7	6	7	7
	Estimated Cost	170,000	55,000	60,000	185,000
	Comments	Touch-up required during interim	Contingent on access to classrooms	Slurry coating/stripping as needed	Slurry playground
ZANE	Priority Rating	2	4	4	2
	Estimated Cost	170,000	55,000	415,000	185,000
	Comments	May require multiple seasons to complete	Contingent on access to classrooms	Overlay asphalt in driveway; slurry coat and striping as needed for parking lot	Slurry playground
LINCOLN	Priority Rating	3	10+	NA	4
	Estimated Cost	80,000	0	0	185,000
	Comments	---	---	---	Slurry coating/stripping as needed
EUREKA HIGH	Priority Rating	5	7	2	NA
	Estimated Cost	75,000	95,000	275,000	0
	Comments	Paint in phases; \$75,000 per phase	Main Building 1st floor	Asphalt overlay staff parking behind Building G	---

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PAINTING EXTERIOR	PAINTING INTERIOR	PARKING LOTS	PLAYGROUND HARDCOURT
CORP YARD	Priority Rating	NA	10+	3	NA
	Estimated Cost	0	0	190,000	0
	Comments	---	Touch up as needed	Repair broken asphalt on entry; slurry coat parking areas	---
DISTRICT OFFICE	Priority Rating	7	10+	3	5
	Estimated Cost	80,000	0	275,000	25,000
	Comments	Touch-up as required during interim	Touch-up as required during interim	Parking lot asphalt overlay	Courtyard slurry coat
WINZLER CENTER	Priority Rating	7	7	5	6
	Estimated Cost	65,000	25,000	20,000	20,000
	Comments	Touch-up as required during interim	Touch-up as required during interim	Slurry coating/stripping as needed	Slurry coating

Priority 1	0	45,000	0	200,000
Prioirty 2	170,000	45,000	275,000	185,000
Prioirty 3	80,000	45,000	465,000	65,000
Prioirty 4	110,000	55,000	455,000	345,000
Prioirty 5	165,000	45,000	110,000	25,000
Prioirty 6	0	55,000	60,000	20,000
Prioirty 7	315,000	120,000	60,000	185,000
TOTAL	840,000	410,000	1,425,000	1,025,000

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PLAYGROUND STRUCTURES	RESTROOMS	ROOF SYSTEMS	SECURITY CAMERAS
ALICE BIRNEY	Priority Rating	3	1	1	10+
	Estimated Cost	245,000	150,000	650,000	0
	Comments	Upgrade/replace one area (in-house installation)	Middle wing	Wing 2, 3, 4, and Library	---
GRANT	Priority Rating	4	2	7	4
	Estimated Cost	145,000	10,000	120,000	75,000
	Comments	Upgrade/replace one area (in-house installation)	Flooring in 2 staff restrooms and nurse's office	Office wing	---
LAFAYETTE	Priority Rating	2	1	10+	10+
	Estimated Cost	245,000	15,000	0	0
	Comments	Upgrade/replace one area (in-house installation)	Flooring in class restrooms #18, 19, 21, 22	---	---
WASHINGTON	Priority Rating	1	7	2	3
	Estimated Cost	245,000	325,000	500,000	75,000
	Comments	Install TK/K-age appropriate structure	ADA upgrades to Wing 2 restrooms	All 3 classroom wings	---

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PLAYGROUND STRUCTURES	RESTROOMS	ROOF SYSTEMS	SECURITY CAMERAS
WINSHIP	Priority Rating	NA	10+	7	10+
	Estimated Cost	0	0	90,000	0
	Comments	---	---	Breezeway roof and gutters	---
ZANE	Priority Rating	NA	2	3	10+
	Estimated Cost	0	380,000	150,000	0
	Comments	---	Upgrade four modular student restrooms	Replace Office Building roof	---
LINCOLN	Priority Rating	NA	10+	6	2
	Estimated Cost	0	0	375,000	75,000
	Comments	---	Upgraded during 2014-16 modernization	Minor repairs as required in interim	---
EUREKA HIGH	Priority Rating	NA	7	4	10+
	Estimated Cost	0	230,000	600,000	0
	Comments	---	Main Building student restrooms	Main Building/Auditorium roof	Additional as needed

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		PLAYGROUND STRUCTURES	RESTROOMS	ROOF SYSTEMS	SECURITY CAMERAS
CORP YARD	Priority Rating	NA	10+	7	7
	Estimated Cost	0	0	400,000	75,000
	Comments	---	---	Minor repairs as required in interim	---
DISTRICT OFFICE	Priority Rating	NA	10+	1	6
	Estimated Cost	0	0	90,000	80,000
	Comments	---	---	Prep and paint metal roofing	---
WINZLER CENTER	Priority Rating	10+	3	10+	5
	Estimated Cost	0	350,000	0	75,000
	Comments	---	ADA accessible upgrades to staff & student restrooms	---	---

Priority 1	245,000	165,000	740,000	0
Priority 2	245,000	390,000	500,000	75,000
Priority 3	245,000	350,000	150,000	75,000
Priority 4	145,000	0	600,000	75,000
Priority 5	0	0	0	75,000
Priority 6	0	0	375,000	80,000
Priority 7	0	555,000	610,000	75,000
TOTAL	880,000	1,460,000	2,975,000	455,000

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		SIDING	SINKS	WALKWAYS	TOTAL BY SITE
ALICE BIRNEY	Priority Rating	10+	10+	10+	6,970,000
	Estimated Cost	0	0	0	
	Comments	---	---	---	
GRANT	Priority Rating	1	10+	4	5,385,500
	Estimated Cost	7,500	0	15,000	
	Comments	Portables and library (perform in-house)	---	Food Services delivery (perform in-house)	
LAFAYETTE	Priority Rating	2	10+	10+	5,490,000
	Estimated Cost	7,500	0	0	
	Comments	Replace/repair by playground restrooms; portable #11	---	---	
WASHINGTON	Priority Rating	3	10+	10+	2,636,500
	Estimated Cost	7,500	0	0	
	Comments	Portable #11 and 16	---	---	

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		SIDING	SINKS	WALKWAYS	TOTAL BY SITE
WINSHIP	Priority Rating	1	10+	10+	1,365,000
	Estimated Cost	125,000	0	0	
	Comments	Repairs on F Building, H Portables, and gymnasium	---	---	
ZANE	Priority Rating	2	10+	3	1,862,000
	Estimated Cost	7,500	0	9,500	
	Comments	Replace siding P3 & P4	---	Repair walkway between library and Building 4	
LINCOLN	Priority Rating	10+	10+	2	810,000
	Estimated Cost	0	0	95,000	
	Comments	---	Upgraded during 2014-16 modernization	Repair walkway on Harris Street	
EUREKA HIGH	Priority Rating	NA	NA	3	2,045,000
	Estimated Cost	0	0	375,000	
	Comments	---	---	Del Norte and J Streets	

**EUREKA CITY SCHOOL
2022/23 MASTER FACIL**

SITE		SIDING	SINKS	WALKWAYS	TOTAL BY SITE
CORP YARD	Priority Rating	NA	NA	NA	742,000
	Estimated Cost	0	0	0	
	Comments	---	---	---	
DISTRICT OFFICE	Priority Rating	2	5	5	642,500
	Estimated Cost	7,500	15,000	45,000	
	Comments	MFRC portable	Replace supply lines to drinking fountains; hydration stations?	Courtyard driveway approach and broken sidewalk replacement	
WINZLER CENTER	Priority Rating	7	4	NA	747,000
	Estimated Cost	7,500	30,000	0	
	Comments	Staff portable	ADA compliant exterior drinking fountains	---	

Priority 1	132,500	0	0	6,427,500
Prioirty 2	22,500	0	95,000	2,877,500
Prioirty 3	7,500	0	384,500	7,207,000
Prioirty 4	0	30,000	15,000	2,680,000
Prioirty 5	0	15,000	45,000	5,639,500
Prioirty 6	0	0	0	1,124,500
Prioirty 7	7,500	0	0	2,739,500
TOTAL	170,000	45,000	539,500	28,695,500

AGENDA ITEM

Agenda Title: Update on Community Schools

Meeting Date: October 27, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive an update on the Community Schools within Eureka City Schools.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The California Community Schools Partnership Program (CCSPP) Grant supports schools' efforts to partner with community agencies and local government to align community resources to improve student outcomes. The California Community Schools outcomes align with the ECS strategic plan goal of improving the social emotional health of all ECS students with the opening of three Community Schools at three elementary schools and the ECS Wellness Center.

STRATEGIC PLAN/PRIORITY AREA:

HISTORY *(list previous staff or board action(s) with dates if possible)*

The ECS strategic Plan was updated in October 2022 to include addressing the needed supports for Social Emotional health and wellbeing.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

A five year, 3.4 million dollar grant was funded through the California State Department of Education, with the addition of district matching funds totalling 5 million dollars.

WHO *(list the name of the contact person(s), job title, and site location)*

Ronda Evans, Director of Community Schools
Fred Van Vleck, Ed.D., Superintendent

ATTACHMENTS:

Description

- ▣ Grant Narrative
- ▣ Presentation

Director of Community Schools: To implement Community Schools Grant and facilitate four Pillars of Community Schools which includes Integrated student supports, Increased Family and Community Engagement and the development of a parent advisory committee, Increase expanded learning time and opportunities, and the development of collaborative leadership practices with the ECS community and parents.

Wellness Center Coordinator/Licensed Marriage and Family Therapist: To direct and oversee the on-site Wellness Center. Job duties include providing direct services to students which include Individual/group counseling/Peer Counseling & support, coordinating services for students at all school sites, supervision of Mental Health Clinician Interns, providing outside resources for all ECS students. overseeing student self-directed services in the form of Calm Space, Coordinating with Outside Service Providers to provide on-going support for ECS students. Providing direct supervision of full-time clerical staff

Three Community Schools Classroom Teachers/Site Lead: to address integrated supports that are Social Emotional and Trauma Informed Practices. One Community Schools Teacher was hired for each of the three Community Schools sites. Each is serving as CS Site Lead and working with the Restorative Practices Support Specialists to engage with families and the community, roll out Tiers 1 and 2 Trauma Informed Practices and work with Eureka's Family Resource Center and Community partners to connect students and families to services as part of ECS' MTSS.

Board Certified Assistant Behavior Analyst: The grant funded BCaBA - works in concert with three Community Schools Teachers to address root cause of behaviors that prohibit students' ability to access learning. These interventions are Tier 1, Tier 3 and Tier 3. Working with Gen Ed teachers and ancillary support staff to provide cohesive, consistent interventions that are Restorative in nature. Root cause issues allow the Restorative Support Support Specialists to interact/engage with the families of students to address barriers to students' education; identifying needed resources, supports and building stronger family/school relationships.

Three (3) Restorative Practices Support Specialists: Each Restorative Practices Support Specialist is paired with one Community Schools Teacher. Restorative Practices Supports Specialist works with students in the Gen Ed classroom to help maintain students in the Gen ed classroom with SEL supports and trauma informed practices. Students who need 1-1 support in the classroom setting temporarily, in Tier 1, Tier 2 model. Working with the Community Schools Classroom Teachers/Site Lead,

the Restorative Practices Support Specialists bridge their support to families of students who are struggling socially/emotionally and academically. These Specialists engage with families of students to address mitigating factors that are impacting the students' educational experience. Issues such as transportation, health, housing, language barriers, permanency status, and employment can be identified, supported and community resources identified to mitigate these competing issues through increased family engagement provided by Restorative Practices support specialists.

Wellness Center Clerical/Admin support: Provides counseling scheduling support for all students to access mental health services with the Wellness Center or Community Schools, including coordination of services with outside providers. Coordinates purchase and procurement of supplies for Wellness Center and Community Schools, Oversees walk-in students at Wellness Center, including attendance for students receiving services on-site. Coordinates data management with outside agencies, completes all paperwork affiliated with student care, along with phone, maintenance and tech management for all services provided to students.

Classroom Materials and supplies: Trauma Informed Community Classrooms will be furnished and outfitted to support outside agencies and district mental health clinicians provide services for students on-campus in the Community Schools Classroom which also provides "well space" and "calm room" resources for students seeking self regulation through guided sensory opportunities provided in the Community Schools/Calm Room space. Supplies purchased are purchased to address developmental and sensory needs to address missing developmental markers due to students' unmet social/emotional needs.

Wellness Center Materials and supplies:

Wellness Center will be furnished and outfitted to support outside agencies and district mental health clinicians provide services for students on-campus. Supplies include furnishings, decor, therapeutic supplies, office supplies, etc.

Professional Development and Training: including HCOE training, PBIS and Trauma Informed PD. Along with Ronda Evans, the three Community Schools Classroom Teachers/Site Lead will support trainings to each school's staff in the area of Restorative Practices as part of a two day training provided by the County Office of Education.

Crisis Prevention and Intervention training: All Community Schools staff will be provided CPI - Crisis Prevention and Intervention training. Training costs include curriculum, trainers and costs associated with paying personnel to attend.

Universal Screeners will be given to all students in each Community School at all three sites. Teachers at each site will be paid one hour of time to complete the SEL screener three times per year to identify students in need of support from the Community Schools setting based on outcomes of the screener.

Costs associated with Expanded Learning Opportunities and increasing parent and community engagement: These include supporting wellness fair and sports physicals for all students affiliated with team sports in the school district. Wellness fair will be parent/student SEL focused with break out sessions that include Smoking/Tobacco use prevention, Safe Social/Digital Media, suicide prevention, sexual health enrolling eligible families in MediCal and providing access to community resources.

Providing supporting services to the Wellness Center: These will include advertising, peer coaching/training and working with outside agencies. Other costs include supporting the Wellness Center to provide peer mentoring, student-run groups, workshops and individual and small group therapy. Also addresses costs of bringing in outside agencies to provide services for students on-site. Cost associated with supervising and supporting peer support aides for all six class periods each day and expanded operating hours.

Community Schools

Eureka City Schools School Board Presentation

Ronda Evans

Director of Community Schools

*Resources cited at end of presentation

What are Community Schools?

Community schools are public schools that partner with families and community organizations to provide well-rounded educational opportunities and supports for students' school success.

Like every good school, community schools must be built on a foundation of powerful teaching that includes challenging academic content and supports students' mastery of 21st century skills and competencies.

Each Community School is Unique

Each community school is a reflection of local needs, assets, and priorities, no two look exactly alike. What they do share, however, is a commitment to partnership and to rethinking—and at times rebuilding—relationships based on a strong foundation of trust and respect.

School staff, under the leadership of the principal and community school director, work with families and community partners to create and implement a shared vision of student and school success.

ECS Community Schools

Lafayette

Alice Birney

Grant

How do they qualify for funding?

**When the California Community
Schools Partnership Program
Grant was written, Grant, Lafayette
and Alice Birney were all identified
as Title 1 Schools**

Fact: Community Schools benefit ALL students, not just students attending Title 1 schools:

FACT: One out of every 4 children attending school has been exposed to a traumatic event that can affect learning and/or behavior.

FACT: Trauma can impact school performance. • Lower GPA • Higher rate of school absences • Increased drop-out • More suspensions and expulsions • Decreased reading ability

Chronic exposure to traumatic events, especially during a child's early years, can: • Adversely affect attention, memory, and cognition • Reduce a child's ability to focus, organize, and process information • Interfere with effective problem solving and/or planning • Result in overwhelming feelings of frustration and anxiety

Schools can and do need to be responsive to students' Social/Emotional Wellbeing.

Community Schools models can help us do just that:

FACT: Trauma can impair learning.

Single exposure to traumatic events may cause jumpiness, intrusive thoughts, interrupted sleep and nightmares, anger and moodiness, and/or social withdrawal—any of which can interfere with concentration and memory.

FACT: Traumatized children may experience physical and emotional distress.

- Physical symptoms like headaches and stomachaches
- Poor control of emotions
- Inconsistent academic performance
- Unpredictable and/or impulsive behavior
- Over or under-reacting to bells, physical contact, doors slamming, sirens, lighting, sudden movements

Behavior is a form of communication:

People (children) can have intense reactions to reminders of their traumatic event:

- Thinking others are violating their personal space,
i.e., “What are you looking at?”
- Blowing up when being corrected or told what to do by an authority figure
- Fighting when criticized or teased by others
- Resisting transition and/or change

The Purpose of CCSPG Grants:

To ensure all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach minimum proficiency.

Title 1

Schools with high numbers or high percentages of children from low-income families

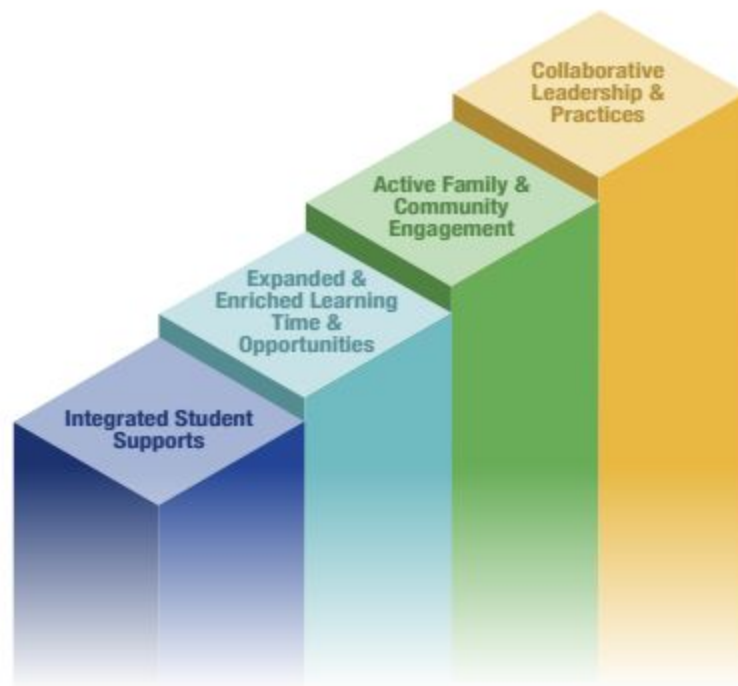
The Four Pillars of Community Schools

What makes community schools unique is the combination of four key pillars (or features) that together create the conditions necessary for students to thrive

- 1) Integrated student supports**
- 2) Expanded and enriched learning time and opportunities**
- 3) Active family and community engagement**
- 4) Collaborative leadership and practices**

Community Schools Pillars

A Community School is both a place and a set of partnerships between the education system, the nonprofit sector, and local government agencies. While the specific programs and services vary according to local context, Learning Policy Institute has identified four key, unifying pillars in the Community School approach.



First Pillar: Integrated Student Supports

Community schools take a “whole-child” approach to supporting students’ educational and life success.

This means that they pay explicit attention to students’ social and emotional development as well as their academic learning, recognizing that they are intertwined and mutually reinforcing. They provide and coordinate a range of on-site services and supports to overcome both academic and nonacademic barriers to students’ educational and life success.

Integrated Student Supports

The mix of integrated student supports can vary. Some of the most common services and supports are on-site medical, dental, and mental health care services. Other student supports that are integrated can include tutoring and other academic supports. Resources for families, such as parent education classes, job training and placement services, housing assistance, and nutrition programs can be made available.

Integrated student supports can also include conflict resolution training, trauma-informed care, and restorative practices to support mental health and reduce conflict, bullying, and punitive disciplinary actions, such as suspensions. At ECS Community Schools, this means Tier 1 and Tier 2 supports made available for every child in every classroom.

Why Integrated Supports:

Research shows that integrated student supports are associated with positive student outcomes.

There is significant evidence to support this approach. Students receiving school-based supports often show significant improvements in attendance, behavior, social well-being, and academic achievement.

One of the responsibilities of a full-time community school director is to develop partnerships with community-based providers and connect students and families with available services, as well as fostering a positive and healthy school climate.

Why Provide Integrated Student Supports?

Growing economic inequality has profoundly shaped out-of-school opportunity gaps. Today, more than half of the nation's public school students—approximately 25 million—live in low-income households, the highest proportion since this statistic became available in the 1960s.

Young people living in these circumstances may experience: food and housing insecurity, inadequate health care access, exposure to violence in their neighborhoods, the need to look after other family members, and challenges with learning English and achieving a stable immigration status - among other concerns.

All of these circumstances contribute to the presence of chronic or toxic stress, which is well-documented to diminish learning readiness and academic success. Integrated supports help mitigate these effects.

Wellness Center

Community Schools in action:

1 Mental Health Clinician

Sarahdee Duncan

Interns from Pepperdine and
Cal Poly Humboldt

Open Door Health Center
MOU's to provide direct
services to students at the
Wellness Center

Hiring of full-time clerical
support staff to facilitate
increased student access to
services

October 27, 2022

Pillar 1 - Integrated Supports

- Mental Health
- Social/Emotional Wellbeing

Pillar 2 - Family and Community Engagement

- Community Partnerships
- Peer Mentoring

Pillar 3 Expanded Learning Time and Opportunities

- Room for growth here, with hope for expanded hours once clerical staff starts

Pillar 4 Collaborative Leadership Practices

- Student-led decision making
- Design of space
- How space is used
- Supports provided

Wellness Center Service Planning

All services will be trauma-informed, equitable, culturally informed, evidence-based, and guided by positive youth development models.

Services will be integrated with other mental health and family support services through ECS, including the Marshall Family Resource Center and Bridges to Success.

- Individual and small group therapy
- Peer Mentoring and Leadership Development
- Health and Wellness Activities

Services are driven by feedback from the cross secretary Advisory Committee and the SAGE student Engagement Group.

Wellness Center Next Steps:

Create timeline for Wellness Center full time opening

Prepare Wellness Center Space

- Order furniture,
- Full-time Clerical staff starts 10/21
- Address all space changes and facilities update with move, including signage

Create funding plan & budget

- Formalize Approval Process for grants
- Create and submit funding applications

Finalize Staffing

- Interns
- Hire clerical support - start date 10/21

Operations oversight plan

- Finalize Program and Service Plan
- Continue to build Partnerships
- Finalize data sharing protocols in compliance with HIPAA and FERPA regulations

Community Schools Manual

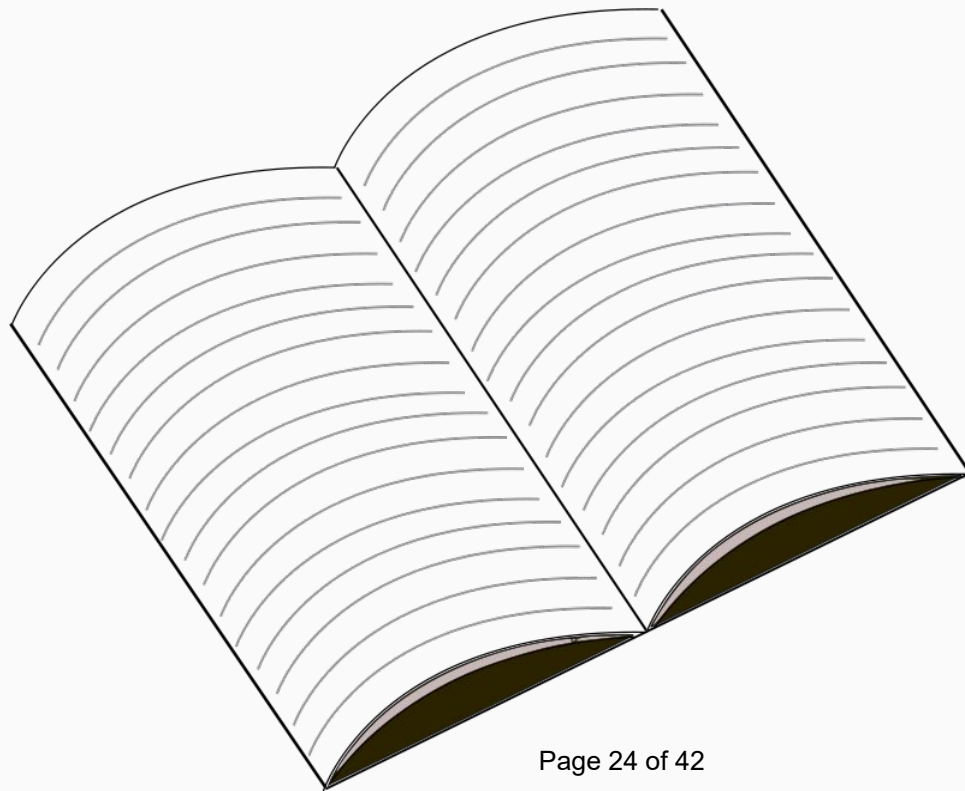
A guide created to provide integrated Social Emotional Supports in every classroom at each community School.

This manual helps guide appropriate classroom supports and teacher responses that are focused on best-practices, trauma-informed student supports.

October 27, 2022

Link to Community Schools Manual

https://docs.google.com/document/d/1nxeBqZS_X09XeDED2Wp927sZK92zCEFrupDojqrL3D4/edit?usp=sharing



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What this looks like in our Community Schools:

Each school site:

1 Community Schools Teacher

**1 Restorative Practice Support
Specialist**

1 Calm Room/Therapy Space

Break Space in every classroom

**Recovery Space available for
every student in a 'buddy
classroom'**

October 27, 2022

Community Schools Teachers:

Alice Birney: Jeanne Wilhelm

Lafayette: Emily Lancaster

Grant: Deirdre' Amaro

Support students and teachers with Social Emotional Health needs. Break Space in the classroom is taught and supported. Recovery in a buddy classroom allows for students to self-regulate to be ready to learn. Calm Room breaks are given in the Community Schools classroom, to increase capacity for learning.

Self-regulation skills are directly taught and supported in the Calm Room. This also allows for maintaining of the classroom environment, where students can focus on learning.

Therapy Rooms

Built in every
Community
Schools Classroom
prior to the
2022/23 school
year starting.

Purpose:

A room was built in each Community School Classroom for confidential, private space for individual student therapy.

Social workers who are currently employed through ECS will be able to meet regularly with students. Outside agencies will be provided space to meet with students.

Open Door Community Health Clinic has just come on board with ECS to provide services at the Wellness Center.

Our hope is that these satellite therapy rooms will be occupied full time within the next six months with a combination of both ECS and outside agency counselors and therapists.

Restorative Practice Support Specialists:

At each school site:

Provide restorative supports at recesses and before and after school.

Respond to radio calls

Provide contact between school and home to help track absences and tardies

Communicate with Family Resource Center to connect parents with added support and help to maintain school attendance

Focus on building healthy relationships with all students

October 27, 2022

Restorative Practices Support Specialists:

Jarod Quirling

Lora Davis

Ella Chalmers

Support students and teachers with Social Emotional Health needs. RPS Specialists respond to code calls in classrooms.

Code Calls let support staff know that students supports are needed.

These supports can be in the form of helping locate a student who has left class, students who are too upset to come to class to be ready to learn, or behavioral supports needed in class to help maintain the learning environment.

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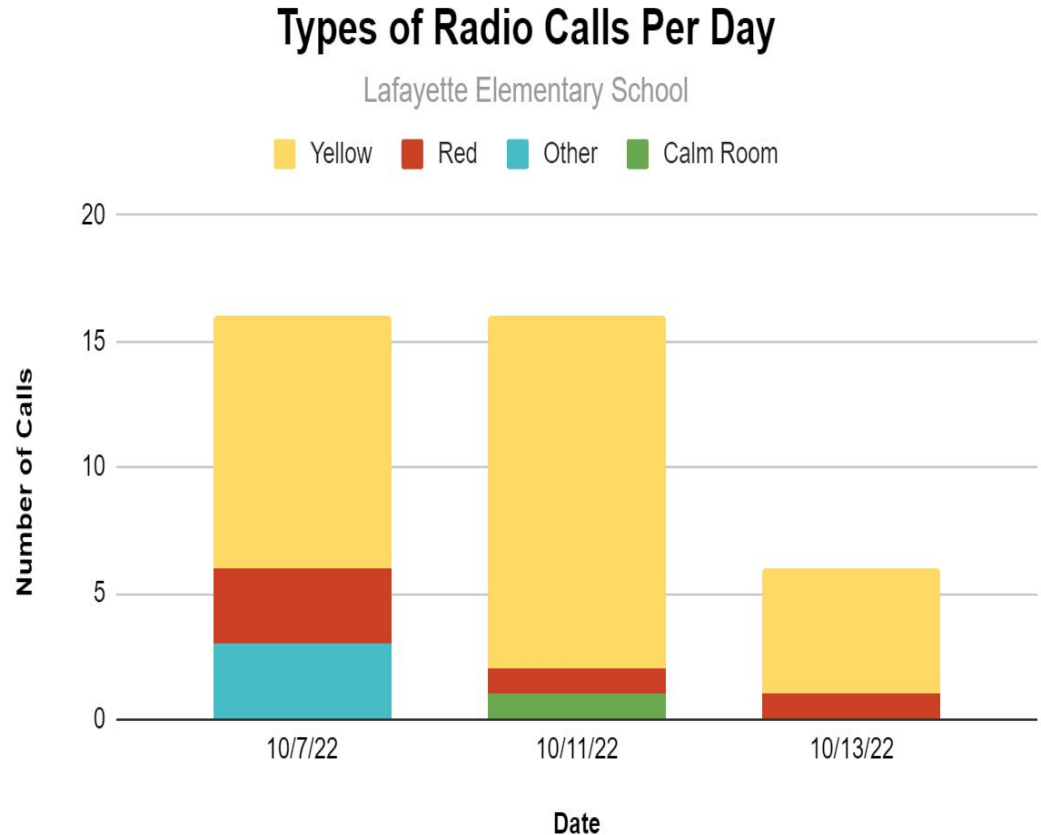
Behavior Analyst

Loren True-Ranck-Buhr

Works in collaboration with each Community Schools teacher & support staff to ensure students who exhibit maladaptive behaviors are supported using the PBIS tiered system of supports including whole class reinforcement systems and child centered supports, ABA strategies including token systems, personalized behavior plans, social stories, first-then, and contingent reinforcement systems. All interventions are designed using data driven decision making.

October 27, 2022

Data Outcomes provided by Behavior Analyst:



Second Pillar: Expanded Learning Time & Opportunities

Highly effective Community Schools also provide expanded learning time and ample enrichment opportunities. This means that the focus on students' academic success and social and emotional development is also supported outside of the regularly school day.

What Expanded Learning Time & Opportunities can look like:

Extra curricular such as the arts, physical activity, small group, or individualized academic support, and hands-on learning activities across a range of subject areas.

After school, weekend and summer programs can provide additional academic instruction and individualized support.

Community Schools work with partner organizations, in collaboration with teachers, to support these expanded and enrichment opportunities for students.

They utilize these partner resources to secure internships, provide service learning, STEM programs and other community, arts, or work-based opportunities.

How are these extra supports decided?

Parent and student surveys are being conducted to provide feedback and direction as to what types of expanded learning time and opportunities are desired

Surveys:

[Community Schools Parent Survey](#)

[Community Schools Student Survey](#)

Pillar Three:

Active Family and Community Engagement

Active family and community engagement is essential to the success of a Community School. By promoting interaction among families, administration, and teachers, Community Schools invite families to be more involved in decisions about their children's education.

As a result, schools are seen as educational partners and as a neighborhood hub for learning. Community Schools foster trusting relationships with all stakeholders and help build their capacity in an effort to create a decision making process that is inclusive, empowering and built on trust and respect. Community Schools thus strive to create systems and structures for shared leadership, as well as welcoming environments for families and community members, allowing them to feel valued as essential partners.

Active family and community engagement in Community Schools:

Should take into account the historical and cultural barriers to involvement in disenfranchised communities.

Community Schools Director makes efforts to address these barriers, including language barriers, inflexible work schedules, and reliance on public transportation.

Community School Director works to streamline access to services and scheduling programs, workshops, meetings and other events at times that allow the greatest participation.

Pillar Four:

Collaborative Leadership & Practices

Collaborative leadership and practices in a Community School can be seen as the process that links the other three pillars. *This practice starts with the development of a unifying vision and goals and the identification of shared responsibilities among stakeholders.* Collaborative leadership should extend beyond the school team. It should include students, families, community members and leaders of community-based organizations, local government agencies, and university partners.

What's next for Community Schools:

Begin to plan and build an Advisory Council: Meet and engage with major partners and programs: After-school program, Wellness Center, Mental health providers, Family Resource Center, parent leaders and community partners

Conduct needs assessment: Needs/priorities and strengths/assets, Services and integration/coordination, Identify gaps, Evidence of successes, Partnership process, Interviews, focus groups, meetings, surveys, Analyze and present data to staff and school community

Advisory Council begins to be built through Increased Community Engagement:

- Identify and meet with community leaders- religious, political & activists
- Attend community coalition meetings– get feedback about needs, programs, resources and service needs
- Get to know neighborhoods – walk around the community and other neighborhoods where kids come from, talk to merchants and members of neighborhood
- Engage in home visits with a parent liaison as needed

Community Schools 6 Month Goals:

- **Develop and implement an Advisory Council**
- **Conduct Needs Assessment/Resource Inventory/Gap Analysis**
- **Develop Community School Plan**
- **Implement Community School Survey to gather Baseline information on needs**
- **Understand structures and school priorities**
- **Create and strengthen communication and outreach plans to families and community stakeholders**
- **Grow Community Partnerships to strengthen Wellness Center**
- **Meet with partners regularly to ensure consistent and ongoing communication about service delivery**

Community Schools Projection 2023-2024

Application for a second round of Community Schools Grants

Schools that would potentially qualify:

***Washington**

***Zane and/or Winship**

***Zoe Barnum**

School Board Influence:

Codify the the district's responsibilities regarding support and implementation of the services that ease the way for schools to partner with community based organizations and local government agencies

- policy choices
- resource allocations
- guidance & direction

Community Schools

-better together

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Resources:

[Community Schools Self-Assessment](#)

[Community Schools Launch Resource Gap Analysis](#)

[Community Schools Advisory Council Development](#)

[Advisory Council Members Resource](#)

[Family Outreach Calls - RJSS](#)

[Student Assistance Program Guidebook](#)

[Community Schools Playbook](#)

Thank you for serving on the Eureka City Schools School Board

October 27, 2022



Making a better future, one child at a time.
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AGENDA ITEM

Agenda Title: Presentation on Eureka City Schools Bullying Prevention Update
Meeting Date: October 27, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board will receive an update on the Eureka City Schools Bullying Prevention Plan.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This presentation is following up on the October 6th Board Meeting where Trustee Rebholtz asked about the Eureka City Schools Bullying Prevention Plan.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: Mental and Socio-emotional Wellness

HISTORY *(list previous staff or board action(s) with dates if possible)*

This information was requested at the October 6, 2022 Board Meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Lisa Claussen, Director of Student Services

ATTACHMENTS:

Description

- ▣ Bullying Presentation



Eureka City Schools Bullying Prevention Update

October 27, 2022

ECS Commitment

ECS Philosophy 0100: “Every student in the district has a right to be free from discrimination, harassment, intimidation, and bullying, as prohibited by law or district policy.”

Bullying BP 5131.2: “Develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff”.

Investigation guidelines

Transfer language

Employee who permits or engages

language

Strategic Plan 3.1.4: Elementary and Middle School teachers will follow the Second Step pacing guides and facilitate the Bully prevention activities in their classrooms.

CA Healthy Kids Survey

(STUDENTS) Based on your experience, how much of a problem at this school is, harassment or bullying?

7% of Elementary (5th grade- do you feel safe at school?)

53% of Middle School

38% of High School



(PARENTS) Based on your experience, how much of a problem at school is harassment or bullying?

13% of Elementary

50% of Middle School

25% of High School

How is bullying defined?

Bullying is when someone aggressively uses their “power” to target another individual with repeated, unwanted words or actions, hurting them physically and/or emotionally.

- The behavior is aggressive, unwanted.
 - Hurts or harms another person physically or emotionally.
 - Those targeted by the behavior have difficulty stopping the action directed at them and struggle to defend themselves.
- There is a real or perceived “imbalance of power” which is used to control or harm others.
 - The student demonstrating the bullying behavior can have more “power” in ways such as higher social status, is physically larger, has access to embarrassing information, or is emotionally intimidating.
- The behavior is repeated or has the potential to be repeated.

Bullying Issues Are Complex

Types of Bullying (overt, covert, technology)

Distinction About Amount and Duration (Can be repeated or chronic but also circumstantial as the result of a single situation)

Perception of Aggression (Aggressive, manipulation of someone is perceived, damaging someone's reputation or status, or spreading false information).

Implications For All Students (Those that witness it and those that engage in it).

Additional Factors: Differentiation between bullying and harassment, enumeration of protected classes, technology, behavior impacts educational performance, and the physical locations that would fall under the jurisdiction of school sanctions.

Elementary

- Second Step- Bully Prevention letters are being sent out this month.
- Weekly Second Step Lessons in all grades in regards to how to recognize and report bullying (30-40 minutes weekly).
- PBIS teams are doing additional messaging during Monday morning meetings.
- Social Worker sending weekly emails with additional supports such as book ideas to read to classes, additional activities to support students.
- Students making posters around the campus to remind students to be SAFE, RESPECTFUL, RESPONSIBLE and KIND!
- PBIS Team members are supporting with implementation of bully prevention activities.

Winship and Zane

Both sites are implementing Bully Units from Second Step grades 6–8

Parent Letters were provided to sites to in both English and Spanish.

Teachers were provided with links to Second Step Bully Prevention training.

Additional Resources provided to sites:

[Captain Compassion](#) Lessons (comic strip) and teacher/parent resources

- Weekly Bulletin quotes were provided to sites to increase bully awareness during October
- PBIS Team members are supporting with implementation of bully prevention activities

UNIT 2

Recognizing Bullying & Harassment

6 lessons per grade

Students learn how to recognize bullying and harassment, stand up safely to bullying, and respond appropriately to harassment. This unit's content helps students develop empathy, understand the impact of bullying and harassment on individuals and their communities, and examine social and environmental factors that contribute to negative behaviors as well as identify solutions for preventing those behaviors.

Staff Training at EHS



Eureka High School Staff were trained on 10/3/22 on the following topics relating to bullying and bullying behaviors

- Statistics around bullying
 - Definition of bullying
 - Function of bullying for bully
 - Types of bullying
 - Impact of bullying on students
 - How staff can encourage students to stop bullying and encourage reporting
 - What staff can do to teach and develop consistent strategies to address bullying
-
- The Climate Team sub committees were asked to come up with a bully awareness plan for October.



Cyberbullying



Middle and High Schools were provided with a resource with links to specific lessons from Common Sense media for each grade span topics included:

- Digital Drama
- Upstanders and Allies
- Responding to online hate speech
- What you send in
- Encountering Hate speech online
- Online disinhibition and Cyberbullying
- Consequences for online hate speech

AGENDA ITEM

Agenda Title: Equipment Replacement Needs

Meeting Date: October 27, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive an update regarding equipment and vehicle replacement needs for the District.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Capital equipment and vehicle needs have been identified across the District. A plan for replacing and/or upgrading items is needed for budgeting purposes and to ensure uninterrupted operations.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 15: Equipment

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Estimated costs for replacing/purchasing equipment and vehicles are indicated in the Equipment Replacement Needs list. The list is based on current use and staffing levels. Changes in use or staffing levels may cause the need for revision to this list.

WHO *(list the name of the contact person(s), job title, and site location)*

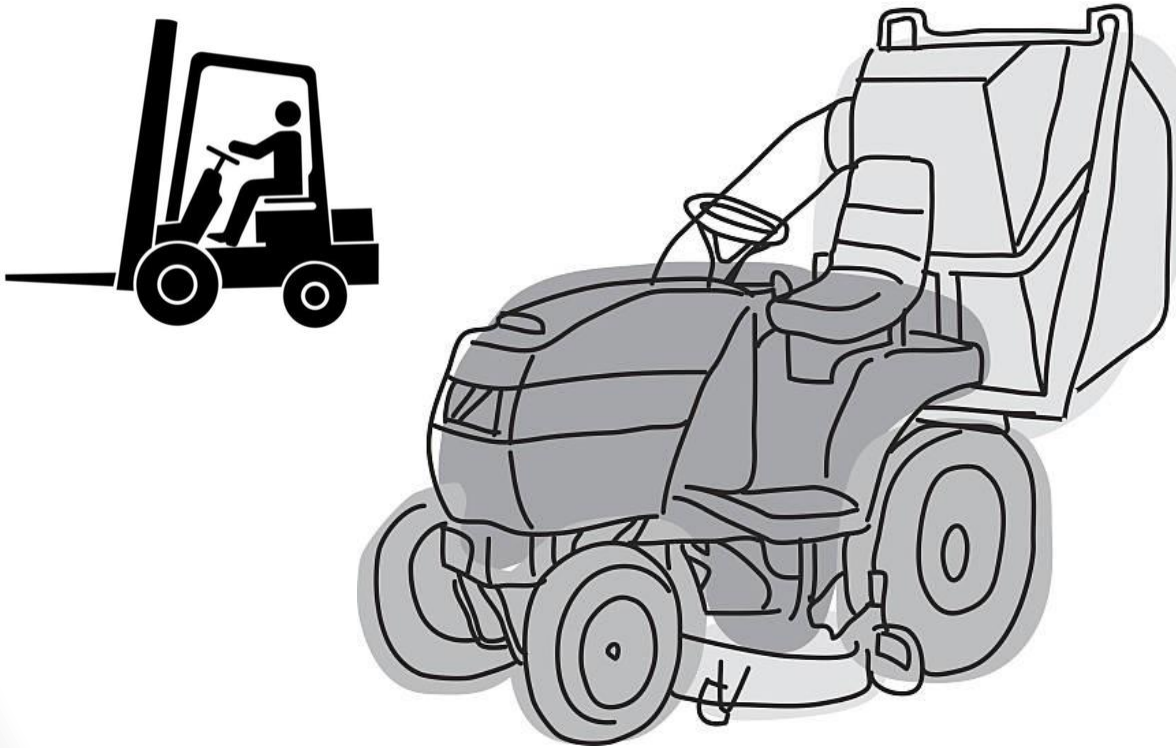
Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ Presentation

Equipment Replacement Needs



Presented by Paul Ziegler
Assistant Superintendent
October 27, 2022

Transportation

School Buses

	Estimated Cost	Term
District Share of Expected School Bus Replacement Grants	\$50,000	1-3 years

Motor Pool

	Estimated Cost	Term
Replace 1986 Toyota Pickup	New \$65,000 Used \$30,000	Non-operable
Replace 1996 Dodge Van	New \$65,000 Used \$30,000	1-3 years
Replace 1999 Ford Truck	New \$65,000 Used \$30,000	1-3 years
Replace 1988 Ford Flatbed	New \$65,000 Used \$30,000	1-3 years
Replace 1992 Ford F-350	New \$65,000 Used \$30,000	1-3 years
Replace 1996 Ford Van	New \$65,000 Used \$30,000	Non-operable
Replace Featherlite Utility Trailer	\$7,000	Immediately
Replace Clark Forklift and Purchase Trailer to Haul	\$30,000	1-3 years

School Bus Fleet

<u>BUS #</u>	<u>MAKE</u>	<u>YEAR</u>	<u>AVERAGE LIFE EXPECTANCY</u>	<u>ECS PROJECTED FLEET LIFE* IN YEARS</u>
BUS 1	BLUEBIRD 84 PASS (Expect to replace w/grant in 2022 - Electric Vehicle)	1995	20 YEARS	Non-operable
BUS 2	BLUEBIRD 84 PASS	1999	20 YEARS	Non-operable
BUS 3	INTERN. 24 PASS (Up for replacement through Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project - HVIP)	2007	20 YEARS	Non-operable
BUS 4	BLUEBIRD 81 PASS (Up for replacement through HVIP)	2002	20 YEARS	1-2
BUS 5	BLUEBIRD 81 PASS	2020	20 YEARS	25
BUS 6	BLUEBIRD 81 PASS EV	2021	20 YEARS	25
BUS 7	THOMAS 81 PASS	2012	20 YEARS	16
BUS 8	THOMAS 81 PASS	2012	20 YEARS	16
BUS 9	BLUEBIRD 66 PASS (Up for replacement through HVIP)	2000	20 YEARS	1-2
BUS 10	BLUEBIRD 72 PASS (Up for replacement through HVIP)	2000	20 YEARS	1-2
BUS 11	THOMAS 20 PASS	1999	20 YEARS	3-5
BUS 12	THOMAS 25 PASS	2001	20 YEARS	3-5
BUS 14	BLUEBIRD 66 PASS (Up for replacement through HVIP)	1999	20 YEARS	1-2
BUS 18	GIRARDIN 24 PASS	2005	20 YEARS	9
BUS 25	INTER/WARD 72 PASS (Expect to replace w/grant in 2022 - Renewable Diesel)	1995	20 YEARS	Non-operable

Operations & Maintenance

Maintenance	Estimated Cost	Term
Stage & Choir Risers	\$10,000	1 year
Replace Riding Lawn Mower	\$19,000	1 year
Dump Trailer	\$15,000	1-3 years
Trailer Mounted Compressor Replacement	\$26,000	1-3 years

Operations	Estimated Cost	Term
Auto Scrubber for New Gymnasium	\$35,000	Immediately
Replace Carpet Cleaners (2)	\$11,000	1 year
Wet / Dry Vacuums (2)	\$7,500	1 year

Food Services

Food Services	Estimated Cost	Term
Three (3) New Transport Warmer Units (Winship, Zane, EHS)	\$18,000	1 year or less
Four (4) New Transport Warmer/Serving Units (All Elementary Sites)	\$26,000	1 year or less
Two (2) New Roll in Refrigerators (Lafayette, Washington)	\$19,000	1-2 years
One (1) 4-Well Hot Serving Table (EHS)	\$5,177	1 year or less
Two (2) Drop-in Refrigerated Well (EHS)	\$10,520	1 year or less

Technology

Desktop Computers / Labs	Estimated Cost	Term
Replace Office Computers <i>(Approximately 25 computers throughout the District)</i>	\$40,000	2-3 years
Replacement Labs (if needed):		
Zoe	\$35,000	In-process
Zane 42 – Media Class	\$55,000	1-2 years
Zane 12 – CTE Lab	\$45,000	2-3 years
EHS IT201 – Graphics Design Lab	\$55,000	1-2 years
EHS Science S104 / S107 <i>(when construction is completed)</i>	\$45,000	Immediately
Winship B Lab	\$55,000	2-3 years

Planned Student Computer Replacements	Estimated Cost	Term
2022 Chromebook Replacements – 1,000 Units	\$400,000	2-3 years

Server / Infrastructure Upgrades	Estimated Cost	Term
E-Rate Supported WiFi / Network Upgrades / UPS <i>(E-Rate will subsidize these upgrades ~70%)</i>	\$250,000	In-process
Server Replacements / Backup System	\$110,000	In-process

Planned Security Cameras	Estimated Cost	Term
Cameras at Elementary Sites, Refresh Winship / EHS	\$60,000	2-3 years

AGENDA ITEM

Agenda Title: Transportation Update

Meeting Date: October 27, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board will receive an update regarding Transportation Department staffing.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Exacerbated by the COVID-19 pandemic, the number of school bus drivers across the country has continued dropping as many retire or seek higher wages in jobs that require less in-person interaction. Eureka City Schools has experienced a similar decline in the number of drivers. The report will outline the district's efforts to retain and attract new drivers.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 7: Human Resources

HISTORY *(list previous staff or board action(s) with dates if possible)*

Eureka City Schools historically employs nine full-time bus drivers during the school year. We currently have three full-time bus drivers, with the Director of Transportation, the Trainer/Dispatcher, and Waste/Recycling Specialist all filling in to cover the open routes.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The cost for an entry level full-time bus driver, for the school year only, is approximately \$74,000. This includes signing bonus, health and welfare benefits, and statutory benefits.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ MOU

MEMORANDUM OF UNDERSTANDING
Between
Eureka City School
And
CSEA and its Redwood 88

School Bus Driver Incentive and Retention Program

OVERVIEW

Like many districts across the State and the Nation, Eureka City Schools has experienced difficulty attracting and retaining School Bus Drivers over the past several years. Though we believe our wage is now competitive for our area, we continue struggling to generate interest from new school bus driver trainees to attend and complete the certification process. In the past, many of our trainees have dropped out of the training program because they need income to live on while taking the training.

Trainees must complete a minimum of 20 hours of **classroom training** on the CHP, DMV, and CDE rules and regulations that govern school bus operations. This process generally takes 25 hours to complete. Upon completion of this portion of the training, new trainees must take and pass a written test at the local CHP office on the material they covered during the class. If they pass the written test, they are allowed to begin the **Behind-the-Wheel (BTW)** portion of the training.

The **BTW training** consist of a minimum of 20 hours of training in bus checkout procedures, basic vehicle driving skills, school pupil passenger management, defensive driving skills, as well as student loading and unloading skills. This class normally takes closer to 30 hours to complete. Completion of this portion of the training allows trainees to take behind the wheel test with the local CHP School Bus Officer covering vehicle inspection procedures, school bus driving rules, and basic driving and operation of the school bus. If trainees completes this portion successfully, they are given their temporary certification to drive a school bus, while awaiting their permanent School Bus Driver Certificate from DMV.

RECOMMENDATIONS

Classroom Training:

- New Trainee: Pay minimum wage for the time spent completing classroom training. Estimated cost for this portion of the process is \$375 (25 hours @ \$15 hourly). The payout would not occur until the trainee passes both the Classroom and Behind-the-Wheel CHP-required tests.
- Current Employee: Incent current employees to go through the required training by paying them at their current hourly pay rate.
- The Director of Transportation and Risk Management will establish criteria to enter the training program.
- The Trainer will have the discretion of determining trainees' and employees' progress, and have discretion to terminate the training if the Trainer believes candidates are not making acceptable progress, or are unlikely to successfully complete the entire program.

Behind-the Wheel Training:

- New Trainee: Pay minimum wage for the time spent completing behind-the-wheel training. Estimated cost for this portion of the process is \$450 (30 hours @ \$15 hourly). The payout would not occur until trainees pass both the Classroom and Behind-the-Wheel CHP-required tests.
- Current Employee: Incent current employees to go through the required training by paying them at their current hourly pay rate.
- The Director will have the discretion of determining trainees' and employees' continuing progress, and have discretion to terminate the training if the Director believes candidates are not making acceptable progress, or will not successfully complete the entire program.

New Hires: Permanent and Substitute Drivers:

- Trainees who successfully complete the required trainings and pass the required testing will be offered either a permanent or substitute School Bus Driver Position. Substitute School Bus Drivers will be paid at Step 1 of the hourly School Bus Driver wage for all hours worked.
- New permanent drivers will be offered a \$12,000 signing bonus, structured and paid out in the following manner:
 - Completion of Year 1 \$1,500
 - Completion of Year 2 \$2,500
 - Completion of Year 3 \$3,500
 - Completion of Year 4 \$4,500

Current Employees:

- Current School Bus Drivers, the School Bus Driver/Dispatcher/Trainer, the Waste/Recycling Specialist, and the School Bus Mechanic, will be offered a \$12,000 retention bonus, structured and paid out in the following manner:
 - Completion of Year 1 \$1,500
 - Completion of Year 2 \$2,500
 - Completion of Year 3 \$3,500
 - Completion of Year 4 \$4,500

Additional Hourly Wage for School Bus Drivers:

- To further incent and retain bus drivers who work additional hours at other lower wage jobs in the District, drivers will be paid their regular bus driver hourly wage for all hours worked at lower waged jobs. For instance, if an employee works 5 hours a day driving bus @ \$20 per hour, and works a second job 3 hours a day paying \$16 per hour, the employee would receive \$20 per hour for all 8 hours worked.
- The additional hourly wage would be applicable only during the regular school year, and would not apply to summer work.
- In order to qualify for the additional hourly wage, employees must be employed as bus drivers for a minimum 5 hours per day.
- Drivers will only be paid for actual hours worked.

Employees as Substitute Drivers:

- Offer paid Classroom and Behind-the-Wheel training at the hourly rate of pay employees receive at their current jobs. If employees successfully complete the required training and testing, they will receive a \$100 monthly bonus in addition to earning bus driver wages for the time spent driving a school bus.
- To retain the bonus, employees must drive when called upon to drive. Failure to drive when asked in 2 separate months would end the bonus. This applies only to occasions when employees are asked to drive during their regularly scheduled workday; if employees turn down requests to drive hours outside their regularly scheduled workday, that will not count as one of the two separate months whereby their bonuses would end.
- Substitute drivers will also receive their current hourly rate of pay for time spent on their annual training updates, approximately 10 hours annually, random Department of Transportation testing, and annual/biannual driver medical examinations.
- Bonuses will be paid during each month of the regular school year, whether or not the employees substituted as drivers, as long as they remain eligible.

Duration:

- The School Bus Driver Incentive and Retention Program will be reevaluated by both parties on an annual basis, and either party has the ability to terminate the program for the ensuing year. The incentive and retention bonuses, once awarded, however, will continue for the four-year duration.

FOR DISTRICT:



Renae Will, HR Director




Paul Ziegler, Asst Supt Business Services

FOR CSEA:



Tina Traylor, Chapter President

 9/15/2022

Holley Luia, CSEA Labor Relations

AGENDA ITEM

Agenda Title: Elementary Attendance Boundaries

Meeting Date: October 27, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board will receive a report on the elementary attendance boundaries and the impact of intra-district transfers on elementary site enrollment.

[Note: Maps will be attached to the Board item prior to the meeting.]

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Attendance boundaries, as well as intra-district and inter-district transfers, are significant factors in shaping the enrollment at the four elementary school sites. Sites have varying levels of enrollment, ranging from a high of 499 at Washington Elementary, to a low of 239 at Lafayette Elementary.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Middle school attendance boundaries were reconfigured in November 2019.
Elementary school attendance boundaries were last re-zoned in December 2013.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

It is yet to be determined whether changes in the elementary enrollment boundaries will have a fiscal impact, whether that be positive or negative.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▢ Elementary Attendance Boundaries_2013
- ▢ Elementary Attendance Boundaries_2022

ELEMENTARY SCHOOL ENROLLMENT NOVEMBER 2013

Enrollment By School Presently Attended (November 2013)

Site	# Students	% Students
Alice Birney	464	28%
Grant	318	20%
Lafayette	321	20%
Washington	527	32%
*TOTAL	1,630	100%

** Includes 123 out of district students*

Enrollment By School Of Residence (Current Boundaries)

Site	# Students	% Students
Alice Birney	530	36%
Grant	207	14%
Lafayette	351	23%
Washington	406	27%
TOTAL	1,494	100%

** Students within ECS District Only*

Adjusted Enrollment By School Of Residence w/Boundary Realignment

Site	# Students	% Students
Alice Birney	410	27%
Grant	207	14%
Lafayette	501	34%
Washington	376	25%
TOTAL	1,494	100%

IDEAL TOTAL (Based on School of Residence)

Site	# Students	% Students
Alice Birney	400	27%
Grant	300	19%
Lafayette	400	27%
Washington	400	27%
TOTAL	1,500	100%

ELEMENTARY SCHOOL ENROLLMENT OCTOBER 2022

Enrollment By School Presently Attended (as of October 18, 2022)

Site	# Students	% Students
Alice Birney	389	29%
Grant	248	18%
Lafayette	239	17%
Washington	497	36%
*TOTAL	1,373	100%

** Includes 109 out of district students*

Enrollment Composition By Site (Current)

Site	In Att. Boundary	Out of Att. Boundary	Inter-District
Alice Birney	203	170	16
Grant	86	145	17
Lafayette	160	65	14
Washington	218	217	62
TOTAL	667	597	109

Enrollment Percentage By Site (Current)

Site	In Att. Boundary	Out of Att. Boundary	Inter-District
Alice Birney	52%	44%	4%
Grant	35%	58%	7%
Lafayette	67%	27%	6%
Washington	44%	44%	12%
TOTAL	49%	43%	8%

Enrollment By School Of Residence (Based on Current Boundaries)

Site	# Students	% Students
Alice Birney	325	26%
Grant	180	15%
Lafayette	407	33%
Washington	321	26%
*TOTAL	1,233	100%

** Does not include inter-district students*

AGENDA ITEM

Agenda Title: Annual Report to the Board on the English Learner Progress (as per BP 6174 (g))
Meeting Date: October 27, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to receive a report on the progress of English Learners as required by Board Policy 6174(g).

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This is a requirement for English Learner Programs receiving Federal funds. A program evaluation shall be provided by the LEA and shall be used to determine: a. Necessary improvements to programs and activities for which Title III funds have been used for LEP and immigrant students b. The effectiveness of programs and activities in assisting ELs to attain proficiency and to meet academic achievement and content standards c. Whether to eliminate specific EL activities proven to be ineffective d. The degree to which, within a reasonable amount of time: i. ELs are attaining English language proficiency comparable to that of average native speakers of English in the district ii. EL students' academic results indicate that ELs are achieving and sustaining parity of academic achievement with students who entered the District's school system already proficient in English.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 1: English

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO*(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent of Educational Services

ATTACHMENTS:

Description

▣ Presentation

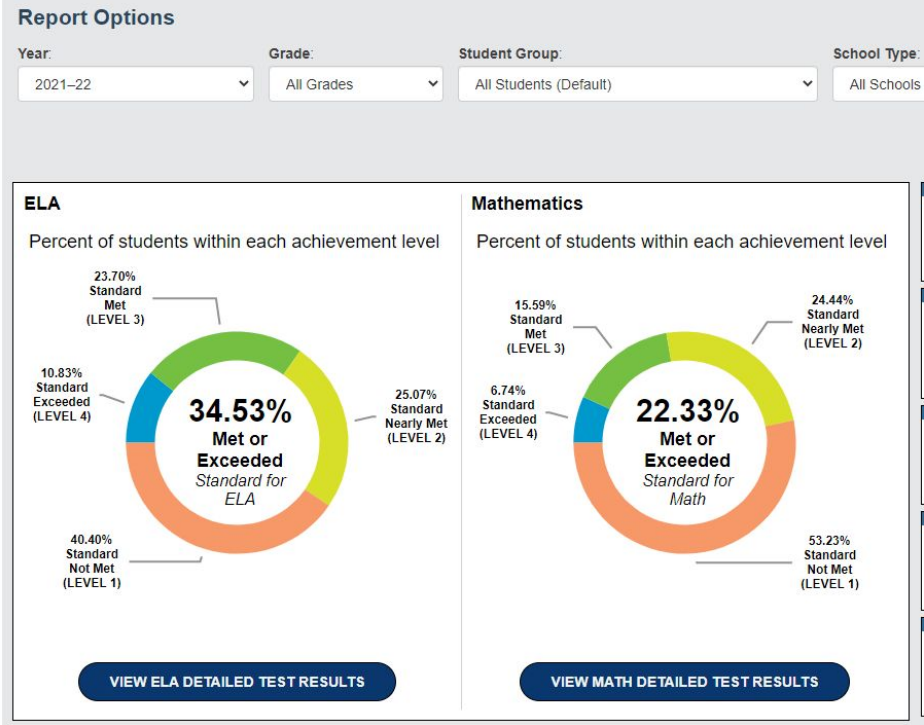
2022 English Learner Progress

Presentation: October 27, 2022



District: Eureka City Schools

CDS Code: 12-75515-0000000 | County: Humboldt



Subgroup	Charter School Enrollment	Non-Charter School Enrollment	Total Enrollment
English Learners	6.3%	17.2%	16.8%
Foster Youth	0.7%	1.1%	1.0%
Homeless Youth	0.7%	5.2%	5.0%
Migrant Education	0.0%	0.2%	0.2%
Students with Disabilities	15.5%	15.8%	15.8%
Socioeconomically Disadvantaged	80.3%	70.7%	71.1%
All Students	142	3,619	3,761

ECS EL Quick Stats

	21-22	20-21	19-20	18-19
Alice Birney	33.3%	39.1%	40.1%	38.5%
Grant	20.8%	20.8%	21.9%	21.0%
Lafayette	30.3%	29.4%	30.6%	32.0%
Washington	12.4%	12.2%	12.7%	13.9%
Winship	15.3%	15.0%	15.9%	18.3%
Zane	18.2%	13.3%	13.3%	14.1%
EHS	11.7%	10.9%	12.2%	12.0%
Zoe	8.2%	1.4%	3.2%	8.1%

ECS EL Classification

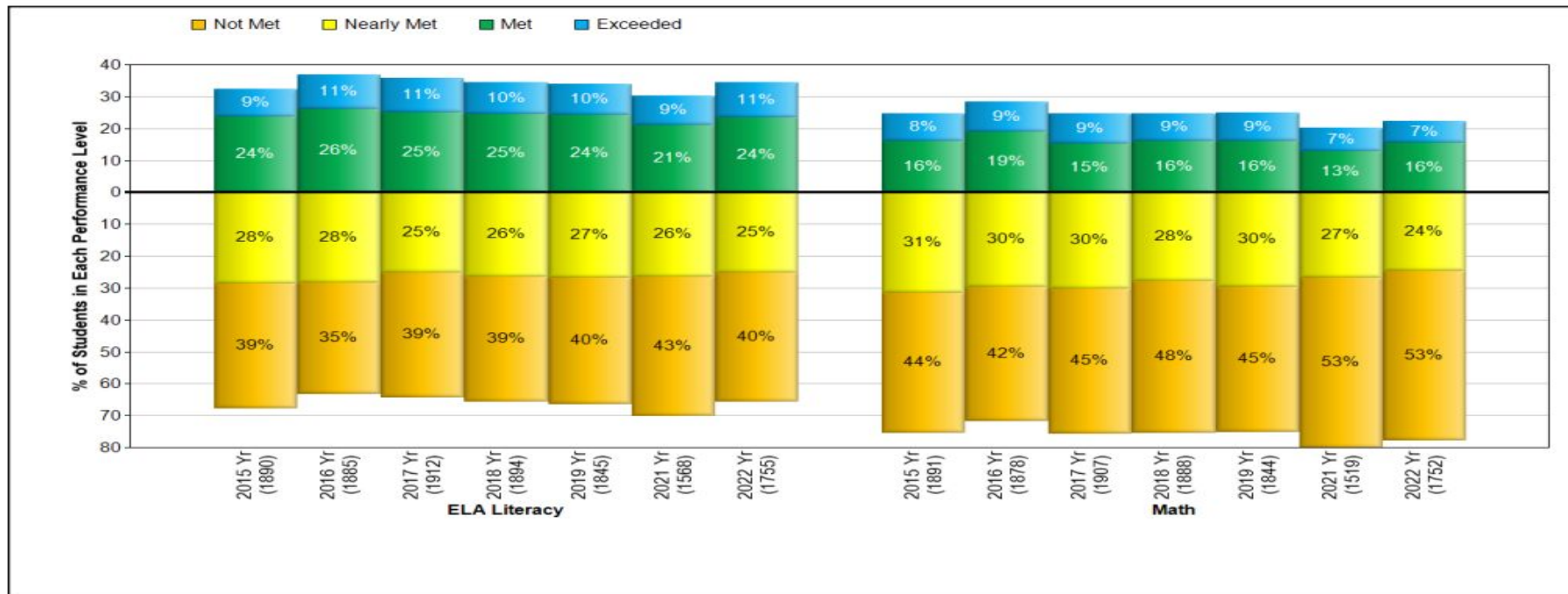
	21-22	20-21	19-20	18-19
Total Enrollment	3619	3540	3673	3643
English Learners	624 (17.2%)	583 (16.5%)	645 (17.6%)	655 (18%)
Initial Fluent English Proficient	48 (1.3%)	49 (1.4%)	46 (1.2%)	34 (0.9%)
Reclassified Fluent English Proficient	217 (6.0%)	234 (6.6%)	209 (5.7%)	206 (5.7%)
Long-Term English Learners	270 (32.1%)	Not available	153 (17.9%)	256 (29.7%)
At-Risk Long-Term English Learners	87 (10.3%)	Not available	77 (9.0%)	128 (14.9%)

CAASPP Achievement Levels by Subjects and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.





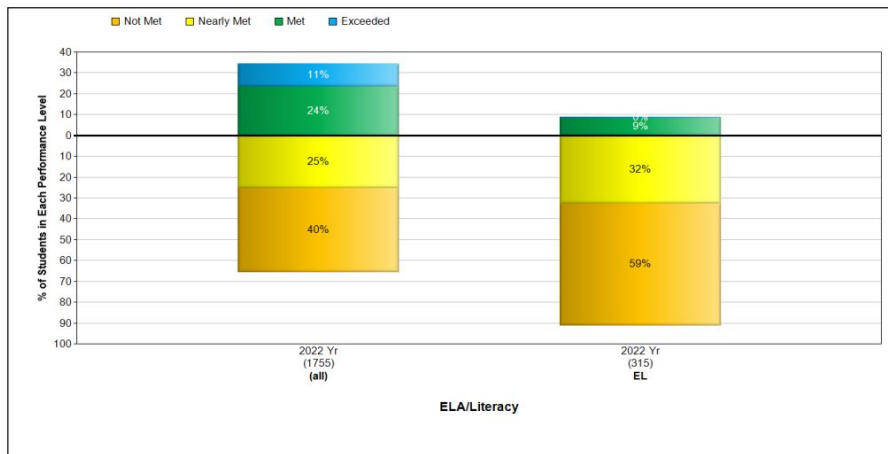
CAASPP Achievement Levels

by All Subgroups and Years

Testing Group	
Year:	2021-22
Term:	2022 Yr
Grade:	All Grades

Reporting Group	
Roster:	2021-22 rosters
District:	Eureka City Unified
School:	All Schools

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



CAASPP Achievement Levels

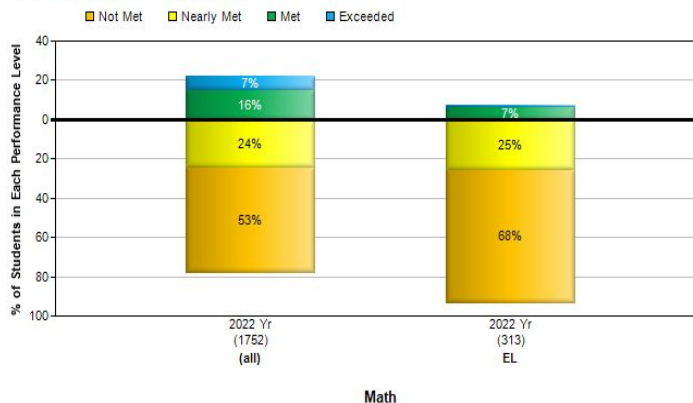
by All Subgroups and Years

Testing Group	
Year:	2021-22
Term:	2022 Yr
Grade:	All Grades

Reporting Group	
Roster:	2021-22 rosters
District:	Eureka City Unified
School:	All Schools

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.

[Print/Save Report](#) [Export to Excel](#)

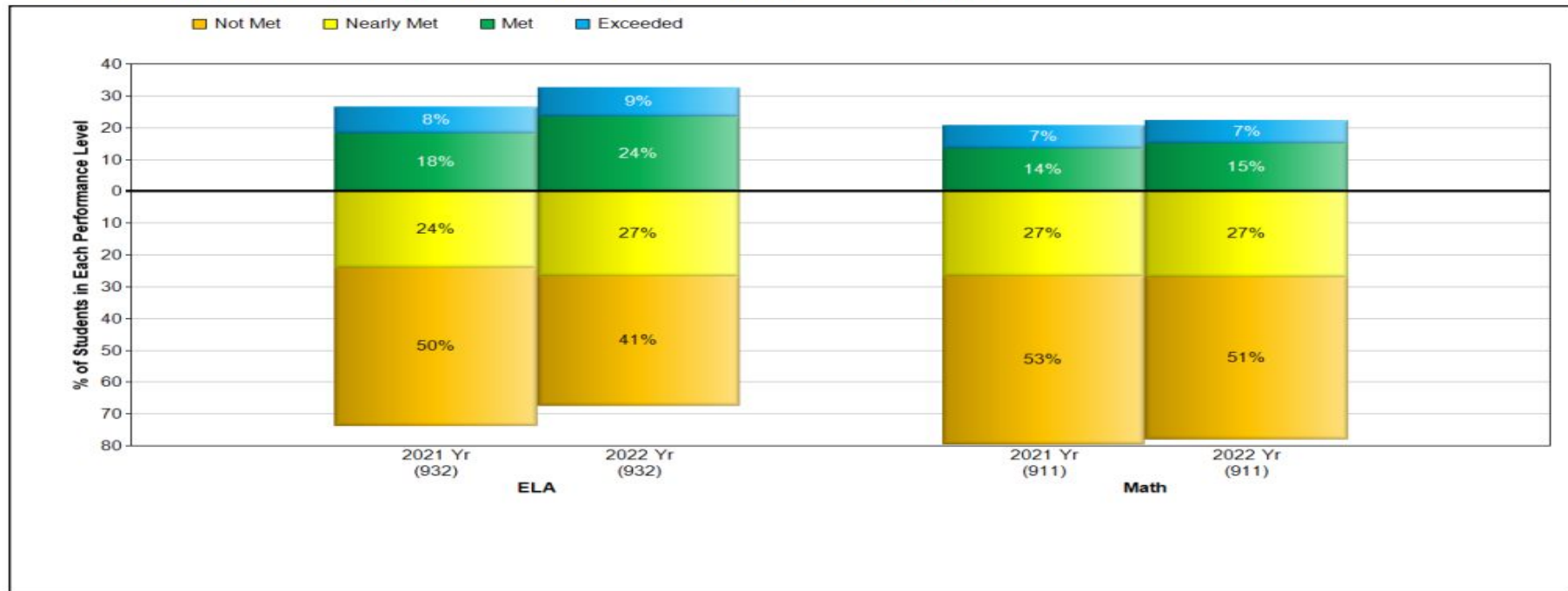


CAASPP Achievement Levels by Subjects and Years

Testing Group	
Grade:	2022 All Grades MATCHED COHORT

Reporting Group	
District:	Eureka City Unified
School:	(all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



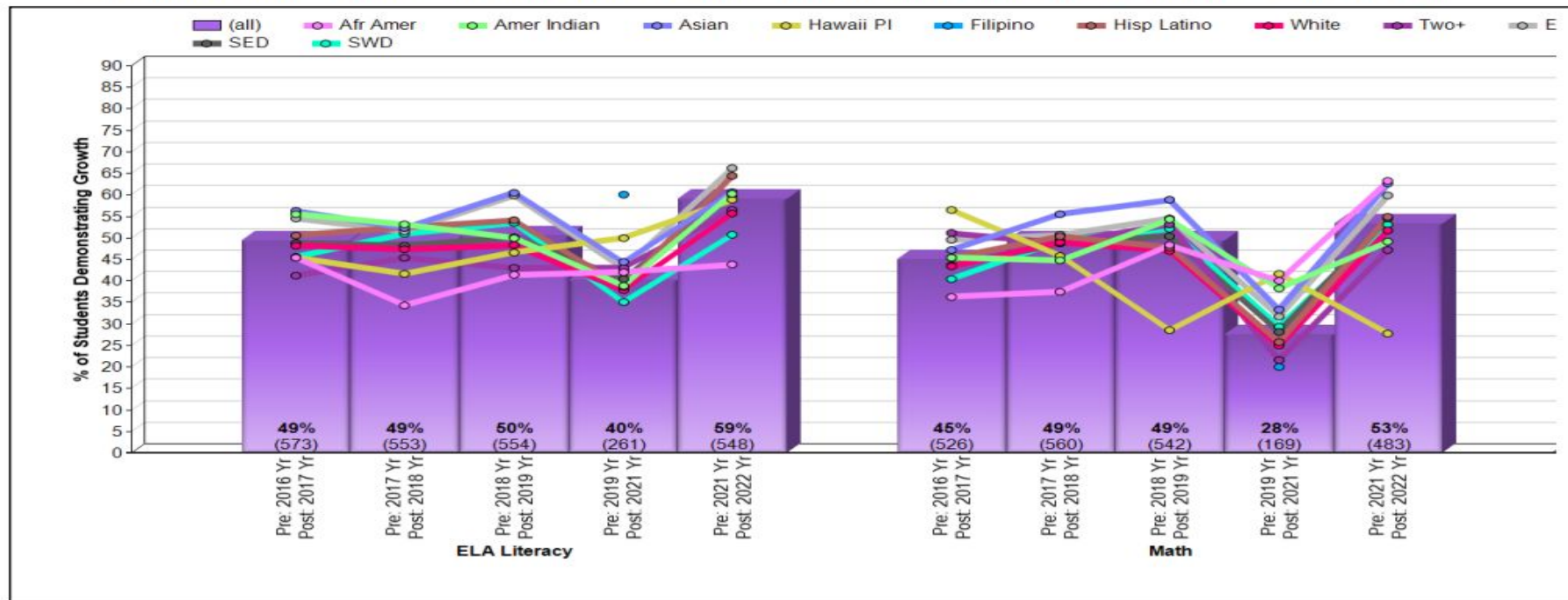
CAASPP Matched-Student Growth 3D (\pm FPL™)

by Subjects, Years, and All Subgroups for Growth

Testing Group
Grade: All Grds

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents year-over-year CHANGE for matched-students who took both tests. The superimposed lines represent the comparison groups, as shown in the legend.





Test Results at a Glance

Type a School, District

District: Eureka City Schools

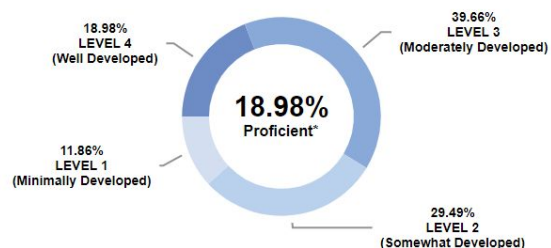
CDS Code: 12-75515-0000000 | County: Humboldt

Report Options

Year: 2021-22 Grade: All Grades Student Group: All Students (Default) School Type: All Schools

English Language Proficiency for Summative ELPAC

Percent of students within each performance level



*The State Board of Education approved the use of the ELPAC Overall Performance Level 4 as one of the proficiency criteria for reclassification.

[VIEW DETAILED TEST RESULTS](#)

October 27, 2022

Test Results at a Glance

Type a School, District

District: Eureka City Schools

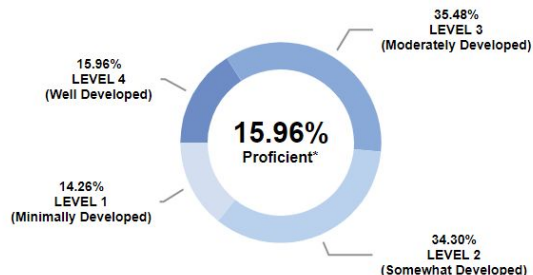
CDS Code: 12-75515-0000000 | County: Humboldt

Report Options

Year: 2020-21 Grade: All Grades Student Group: All Students (Default) School Type: All Schools

English Language Proficiency for Summative ELPAC

Percent of students within each performance level



*The State Board of Education approved the use of the ELPAC Overall Performance Level 4 as one of the proficiency criteria for reclassification.

[VIEW DETAILED TEST RESULTS](#)

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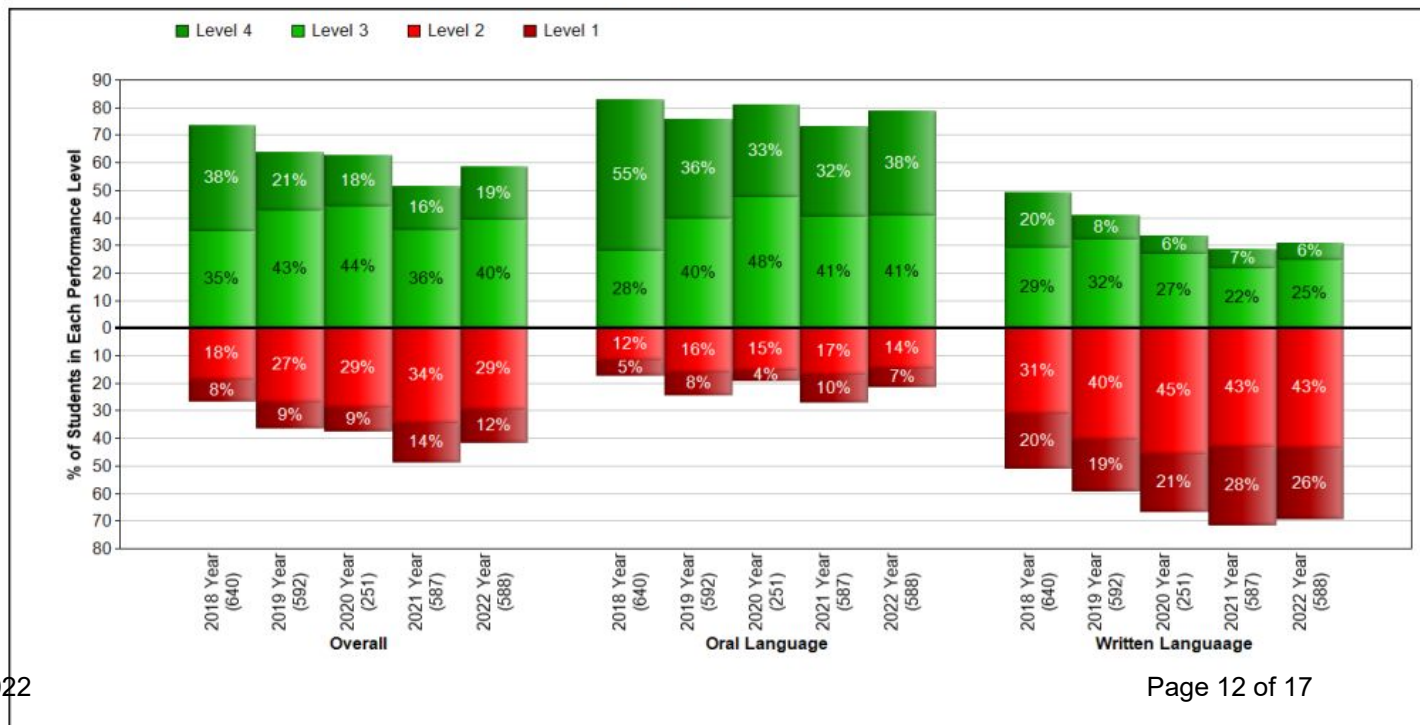
ELPAC Performance Levels

by Subjects and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



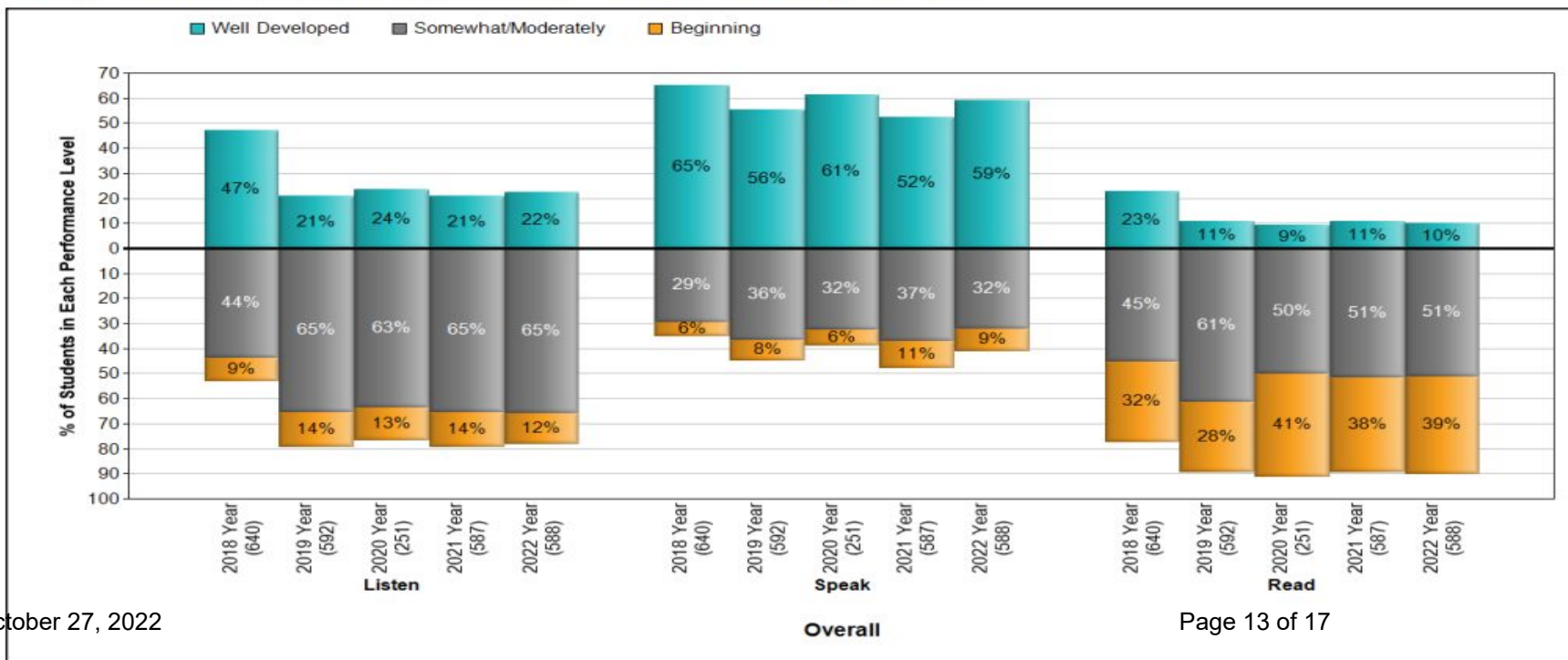
ELPAC Domain Performance

by Domains and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



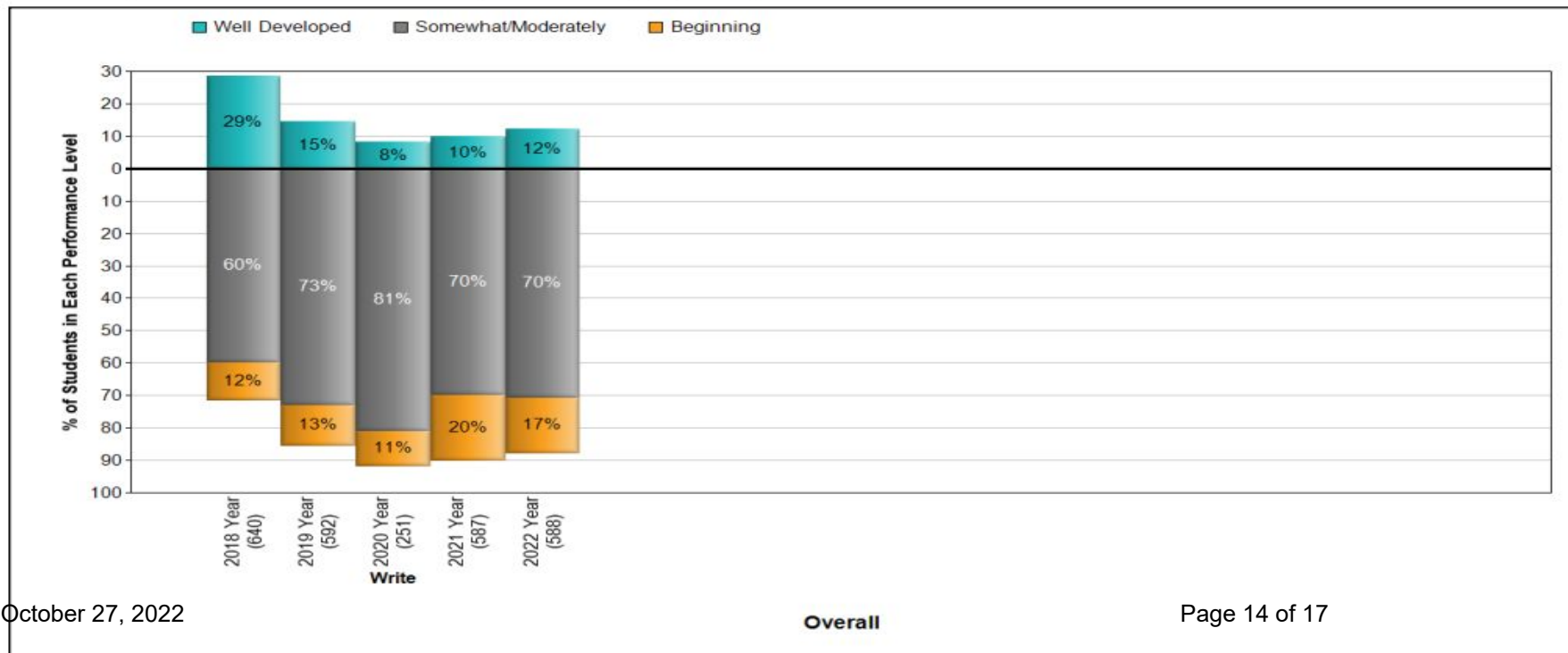
ELPAC Domain Performance

by Domains and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents the distribution of students testing that term, showing the percentage at each achievement level.



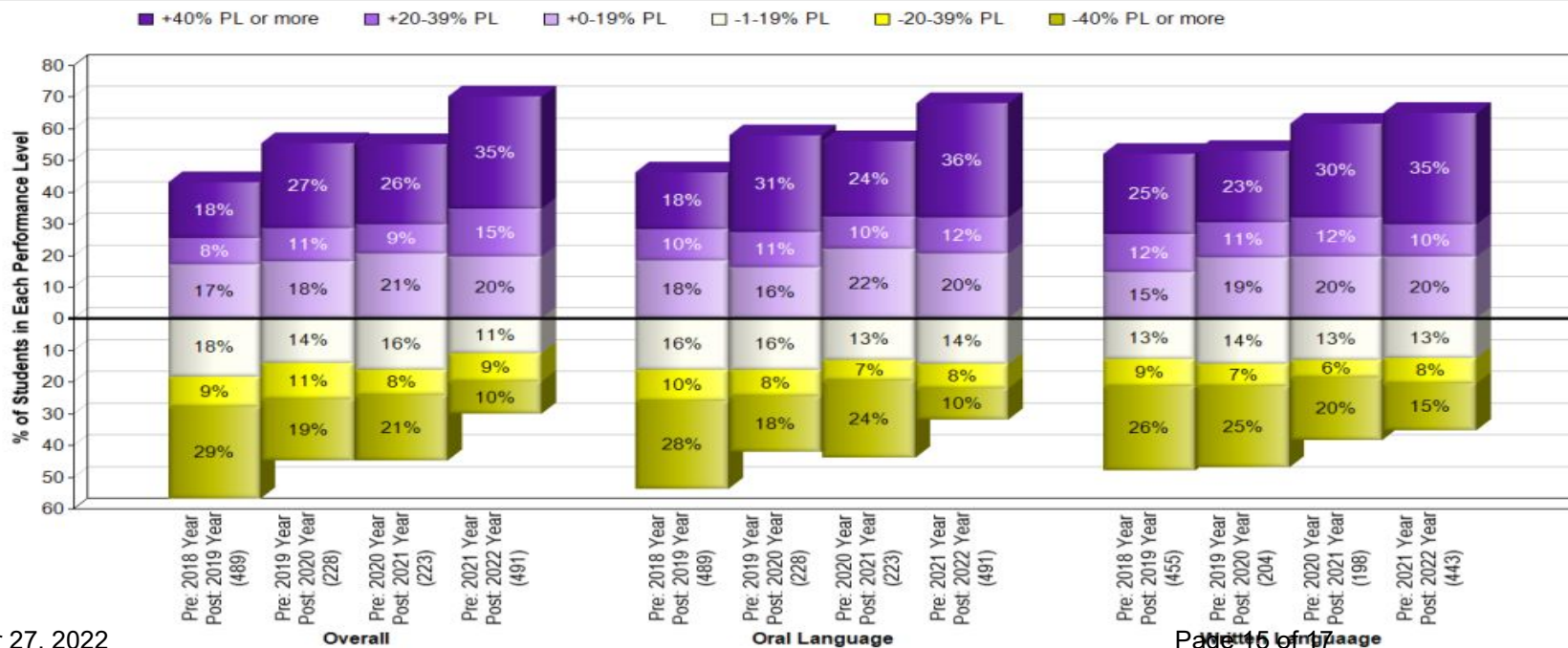
ELPAC Matched-Student Growth (\pm FPL™ Thresholds)

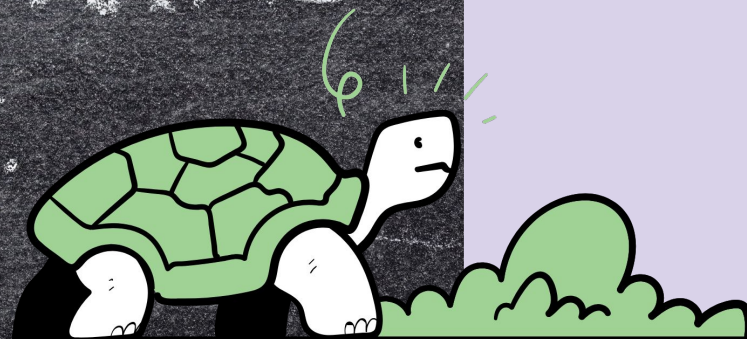
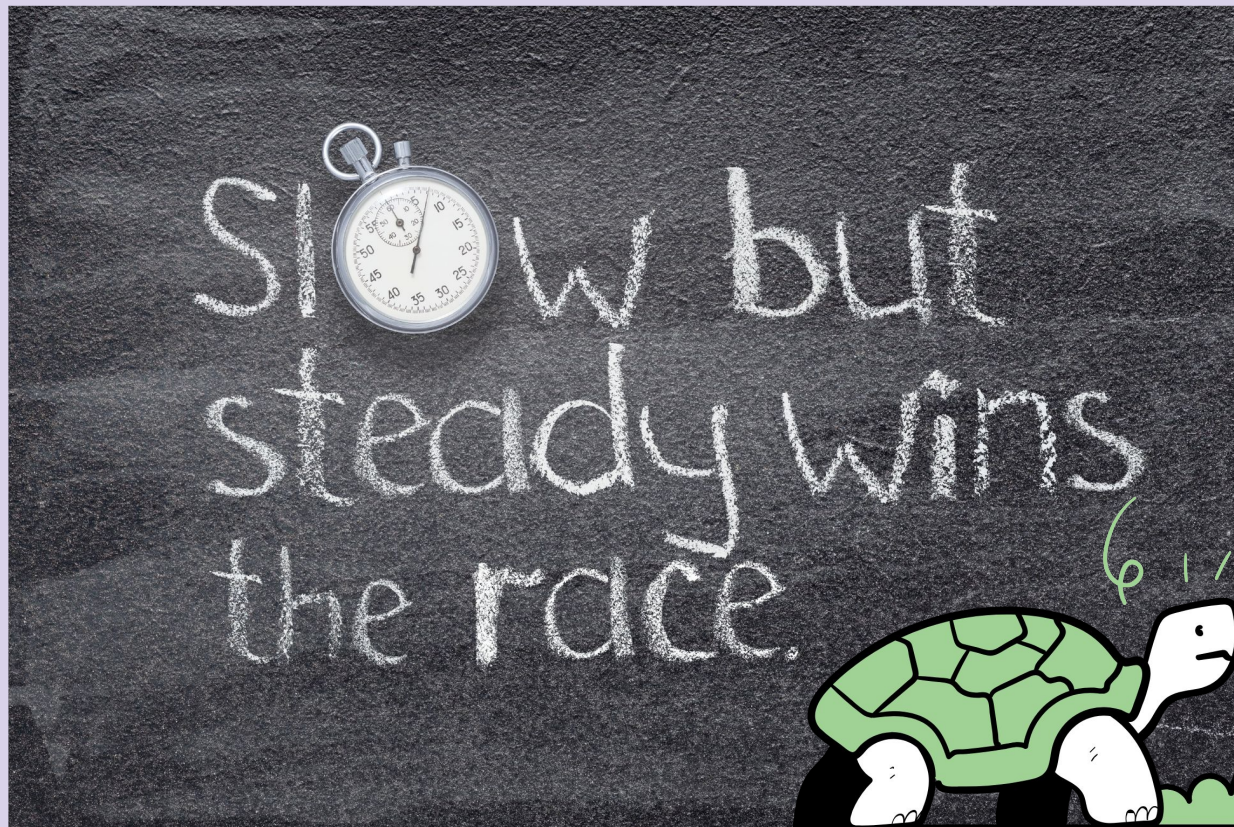
by Subjects and Years

Testing Group
Grade: All Grades

Reporting Group
District: Eureka City Unified
School: (all)

* Each bar represents year-over-year CHANGE for matched-students who took both tests.







AGENDA ITEM

Agenda Title: Policy Updates from CSBA - June 2022 (First Review)
Meeting Date: October 27, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to discuss the policy updates from CSBA - June 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

From time to time, relatively minor changes occur that affect the text of CSBA sample board policies, administrative regulations, and board bylaws but do not warrant reissuing the entire sample because the changes are limited. It is recommended that districts review the revisions and incorporate them in district materials as appropriate. Although the revisions are minor, the district should still use its normal adoption process to adopt the board policies, administrative regulations, and/or board bylaws affected by these revisions. The following Board Policies, Administrative Regulations and Board Bylaws have various changes due to changes in laws, new laws, court decisions, and clarification.

STRATEGIC PLAN/PRIORITY AREA:

Governance and Policy updating is not reflected in the Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the first reading of these policies.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no revenue or expense related to this agenda item.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D., Superintendent

ATTACHMENTS:

Description

▢ Board Policies & Index - CSBA June 2022 Policies

CSBA Policies – June 2022 - Policy Updates

Type:	Number:	Title:	Recommended Action	Clarification	Comments	Page
BP	0420.41	Charter School Oversight	Use CSBA Recommendation	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..	<p>Pg 2 ¶ 4 New Language re: Expanding charter</p> <p>Pg 3 ¶ 1 New Language re: LCAP added to language</p> <p>Pg 3 New Section Title that provides clarity "Fees/Charges for Supervisorial Oversight"</p> <p>Pg 3 ¶ 4 New Language re: County Superintendent may request</p> <p>Pg 4 ¶ 3 New Language re: Filing anonymously</p>	CSBA: 1-10 ECS: 11-13
E (1)	0420.41	Charter School Oversight	Use CSBA Recommendation	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	<p>Pg 1 #3 New Language re: Charter School employee shall not serve as a member of the County Board of Education</p> <p>Pg 4 #32-34 New Language re: Health ed. Student aid, college or career fair</p> <p>Pg 4 #36 New Language re: A Plan for Independent Study necessitated by emergency closure</p> <p>Pg 5 #43 New Language re: Require students to meet the minimum requirements for graduation</p>	CSBA: 14-28 ECS: 29-41

CSBA Policies – June 2022 - Policy Updates

				(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.	<p>Pg 5 #47 – 48 New Language re: TK Teacher credentials and review misassignments</p> <p>Pg 5 #49 New Language re: Background checks</p> <p>Pg 6 #53 New Language re: Security officers</p> <p>Pg 6 #57 New Language re: Breakfast/Lunch</p> <p>Pg 7 #65 New Language re: Events in or around a swimming pool</p> <p>Pg 8 #79 New Language re: Grades 6-12 stock school's restrooms with menstrual products</p>	
E (1)	1113	District and School Web Sites	Use CSBA Recommendation	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.	<p>Pg 1 #9 New Language re: Posters published by DFEH</p> <p>Pg 2 #4 New Language re: District Liaison for Homeless students</p> <p>Pg 3 #13 New Language re: Environmental impact report</p>	CSBA: 42-49 ECS: 50-54
AR	1312.4	Williams Uniform Complaint Procedures	Use CSBA Recommendation	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	<p>Mandated</p> <p>Pg 1 ¶ 3 New Definition Beginning of year or semester</p> <p>Pg 2 ¶ 1 New Language re: Stock menstrual products</p>	CSBA: 55-60 ECS: 61-63

CSBA Policies – June 2022 - Policy Updates

				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.	Pg 3 ¶ 4 New Language re: Send written resolution	
E (2)	1312.4	Williams Uniform Complaint Procedures	Adopt CSBA Recommendation	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).	No Current E (1) 1312.4 for reference only	CSBA: 64-68 ECS: 69-70
BP	3110	Transfer of Funds	Use CSBA Recommendation	Policy updated to delete an authorization for the temporary transfer of funds which only pertained to the 2020-21 and 2021-22 fiscal years.	No New Language just deleted language	CSBA: 71-72 ECS: 73
AR	3517	Facilities Inspection	Use CSBA Recommendation	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.	Pg 2 #13 ¶ 2 New Language re: Menstrual products in restrooms	CSBA: 74-77 ECS: 78-79
E (1)	3517	Facilities Inspection	Adopt CSBA Recommendation	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 Policy	CSBA: 80-82
BP	3523	Electronic Signatures	Adopt CSBA Recommendation	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	New Policy	CSBA: 83-84

CSBA Policies – June 2022 - Policy Updates

				law and regulations and as specified in board policy and administrative regulation.		
AR	3523	Electronic Signatures	Adopt CSBA Recommendation	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.	New Optional Policy	CSBA: 85-87
BP	3550	Food Service/Child Nutrition Program	Use CSBA Recommendation	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.	Pg 1 #5 New Language re: No cost to students Pg 1 ¶ 3 New Language re: Sharing information about food service program at the beginning of the year Pg 2 ¶ 2 New Language re: Coordinated with other school food programs	CSBA: 88-93 ECS: 94
AR	3550	Food Service/Child Nutrition Program	Use CSBA Recommendation	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.	Pg 2 ¶ 4 New Language re: Annual continuing training	CSBA: 95-101 ECS: 102
BP	3551	Food Service Operations/Cafeteria Fund	Use CSBA Recommendation	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.	Conditional Mandate Pg 1 ¶ 4-6 New Language re: Breakfast and Lunch free of charge Pg 2 Option 2 based on current policy	CSBA: 103-109 ECS: 110-111
AR	3551	Food Service Operations/Cafeteria Fund	Use CSBA Recommendation	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	Conditional Mandate	CSBA: 112-118 ECS: 119-121

CSBA Policies – June 2022 - Policy Updates

				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.	Pg 2 ¶ 2 New Language re: Cafeteria funds supplement on breakfast or lunch	
BP	3553	Free and Reduced Price Meals	Use CSBA Recommendation	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.	Conditional Mandate New Law effective June 1 2022 Pg 1 ¶ 2 New Language re: Free breakfast or Lunch to any student who request Pg 1 ¶ 3 New language re: Universal meal service provision see note above for June 30, 2022 deadline for adoption Pg 2 #3 New Language re: Targeted services in LCAP	CSBA: 122-127 ECS: 128-129
AR	3553	Free and Reduced Price Meals	Use CSBA Recommendation	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.	Pg 3 Check Position	CSBA: 130-135 ECS: 136-137
AR	4112.2	Certification	Use CSBA Recommendation	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	Pg 1-2 #1-8 New Language re: Basic Skills proficiency Pg 2 ¶ 2 New Language re: Proficiency test	CSBA: 138-148 ECS: 149-152

CSBA Policies – June 2022 - Policy Updates

				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.		
AR	4161.8/ 4261.8/ 4361.8	Family Care and Medical Leave	Adopt CSBA Recommendation w/Revisions	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.	Pg 3 Option 3 Pg 4 Option 1	CSBA: 153-200
AR	6173.1	Education for Foster Youth	Use CSBA Recommendation	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.	Pg 1 #1-5 New Definition re: Foster Youth Pg 2 Check Position	CSBA: 201-213 ECS: 214-219

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 10/01/2013 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

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, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the 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 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. A charter school may request, and the Superintendent or designee may agree, to 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)

If an approved charter school proposes to 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.

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools 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 students 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 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 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 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 supervisorial 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 supervisorial 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 supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue if the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities
3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools 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 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 #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 #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 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 3

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 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 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. 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.

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 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 a charter is denied, a charter is revoked, or 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 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

State References

5 CCR 11700-11705
5 CCR 11960-11969.10
5 CCR 4600-4670
Bus. Code 7583.45
CA Constitution Article 16, Section 8.5
CA Constitution Article 9, Section 5
Corp. Code 5110-6910
Ed. Code 1006
Ed. Code 17070.10-17079.30
Ed. Code 17280-17317
Ed. Code 17365-17374
Ed. Code 215
Ed. Code 215.5
Ed. Code 220
Ed. Code 221.61
Ed. Code 221.9
Ed. Code 222
Ed. Code 222.5
Ed. Code 231.5-231.6
Ed. Code 234.4
Ed. Code 234.6
Ed. Code 234.7
Ed. Code 32282
Ed. Code 32283.5
Ed. Code 33479-33479.9
Ed. Code 35179.4-35179.6
Ed. Code 35183.1
Ed. Code 35292.6
Ed. Code 35330
Ed. Code 38001.5
Ed. Code 38080-38086
Ed. Code 39831.3
Ed. Code 39843
Ed. Code 41024

Description

Independent study
Charter schools
Uniform complaint procedures
Training for security officers
Public finance; school accountability report card -
https://simbli_eboardsolutions.com/SU/SWGQeQCplusFH2CplOCVLEpzQ
Common school system -
https://simbli_eboardsolutions.com/SU/SLDHgacpLGqiftuxZapsishQg
Nonprofit public benefit corporations -
https://simbli_eboardsolutions.com/SU/up9YZpTJb4gRfS0Hwlsish9Og
Prohibition against school district employees serving on county board of education -
https://simbli_eboardsolutions.com/SU/Qnj8IKKU84qMv8ZXSZPu1w
Leroy F. Greene School Facilities Act -
https://simbli_eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg
Field Act; approval of plans and supervision of construction
Field Act; fitness for occupancy; liability of board members
Suicide prevention policies
Student identification cards; inclusion of safety hotlines
Prohibition of discrimination
Posting of Title IX information on web site
Sex equity in competitive athletics
Reasonable accommodations; lactating students
Pregnant and parenting students; notification of rights
Sexual harassment policy
Mandated policy on bullying prevention
Bullying and harassment prevention information
Student protections relating to immigration and citizenship status
School safety plans
Bullying; online training
The Eric Parades Sudden Cardiac Arrest Prevention Act
Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Stocking of menstrual products
Field trips and excursions; student fees
Training for security officers
School meals
Transportation safety plan
Disciplinary action against bus driver; report to Department of Motor Vehicles
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	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
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	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
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 foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
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	Definitions, directory information
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security 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	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017

Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51745-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
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	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60648.5	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
Lab. Code 3074.2	Notice of college and career fairs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal References

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

State plan

20 USC 7221-7221j
34 CFR 200.1-200.78
42 USC 11431-11435

Charter schools
Accountability
McKinney-Vento Homeless Assistance Act

Management Resources References

Description

Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (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 Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Publication	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 20-01, July 23, 2020
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: A Guide for Governance Teams, rev. 2016
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	U.S. Department of Agriculture - https://siroblieboardsolutions.com/SU/RslshJVkZjGiBHO8TX9tA3tqQ==
Website	National Suicide Prevention Lifeline - https://siroblieboardsolutions.com/SU/yAd89LtBVSINaH2almpg2Q==
Website	National Domestic Violence Hotline - https://siroblieboardsolutions.com/SU/d1fBFpjosh4vvBXfU68zMWg==
Website	California State Teachers Retirement System - https://siroblieboardsolutions.com/SU/dDkW9gdO2YplusqCvo1qG2v5t5bw==
Website	California Public Employees Retirement System - https://siroblieboardsolutions.com/SU/BtrW5DRenb5z2ZZethXOCw==
Website	California Department of General Services, Office of Administrative Hearings - https://siroblieboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	California Commission on Teacher Credentialing - https://siroblieboardsolutions.com/SU/EgDpluss7NDrgK1KmPo9MgqplusA==
Website	California Commission on Peace Officer Standards and Training - https://siroblieboardsolutions.com/SU/T42f3sLyPIGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://siroblieboardsolutions.com/SU/7cVjGFEMAXplusS81dHUhceYQ==
Website	California State Controller - https://siroblieboardsolutions.com/SU/P16GQ6rhv8oslgGWli7phA=8
Website	California Department of Pesticide Regulation -

<https://siroblieboardsolutioos.com/SU/oAOBdjd0jGZedpcKSjhJiw=>

Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrT10NffizjZQWhb3fewg
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzbOGSX2WH42kMJnO6kg
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA-
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslsbslshoGe7iQ
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/SqNslsb5DoKuytasVcv9khGiA
Website	CSBA- https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSslimoslsh3XhJKy4tplus7wplusA

Cross References

Description

0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/Oi0m3LftdUnEuoDDGxB2mQ
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrVo5eQ
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/uulbZeec3V3u1wMajl8dHg
0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/ohXLQZICr9Y37KSqCta5dA
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmazSQUQOAdl7DbzBBg
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fxallgclPJYKR9w
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYlmybbQA
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BslsbPMK886oDyrBoOyAftUdg
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYzxoB2I1.rRqCSldthA
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9HZPNfQ
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlgg
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

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)

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)

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

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

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 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)

If an approved charter school proposes to establish or move operations to one or more additional sites or grade levels, 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)

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

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

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, 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, 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)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

Technical Assistance/Intervention

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 45607.3)

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 #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 #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 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

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

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, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

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

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, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

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 charter is denied, the charter is revoked, or the 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)

Exhibit 0420.41-E(t): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 07/01/2017 | Last Revised Date: 06/01/2022 | Last Reviewed Date: 06/01/2022

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)
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

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)
5. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

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

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.

8. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
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)
 - c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)
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)
11. Comply with the requirements of Education Code 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)
12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
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

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

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)

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)
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)
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

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.

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
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

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)
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)
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)
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

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.

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)
28. If the charter school offers a kindergarten program, also offer a transitional kindergarten (TK) program to students in accordance with Education Code 48000
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)
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)
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.

35. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may 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)
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)
38. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

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)

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)
 - 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

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)
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)
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

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.

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

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)
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 interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies.

(Education Code 44830.1, 45122.1, 45125.1)

50. Report to 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)
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 (Education Code 47610)
52. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
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

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

57. Provide 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. If the charter school participates in the National School Lunch Program and School Breakfast 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)
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

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)
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)
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)
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)

63. If the charter school offers an athletic program, annually provide information sheets about concussions to 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)

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)
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)
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

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)
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)
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)
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)
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

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)
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)
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)
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 CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

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.
 - 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.
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

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)
81. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
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)
83. Annually prepare and submit financial reports to the Board and the County Superintendent 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 COE. (Education Code 47605)
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

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

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 References

Description

5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card - https://simbli.eboardsolutions.com/SU/SWQGQeQCplusFH2CpLOCVLEpzQ==
CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/SLDHgacpLGgiftuxZapslshQg==
Corp. Code 5110-6910	Nonprofit public benefit corporations - https://simbli.eboardsolutions.com/SU/up9YZpTJb4gRf50Hwlsish9Og==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj81KKU84qMv8ZXSZPu1w==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; 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; 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; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees

Ed. Code 38001.5	Training for security officers
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	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
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	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
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 foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
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	Definitions, directory information
Ed. Code 49062.5	Student records, name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security 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	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51745-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
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	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60648.5	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
Lab. Code 3074.2	Notice of college and career fairs

Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal References

20 USC 1681-1688
 20 USC 6311
 20 USC 7221-7221j
 34 CFR 200.1-200.78
 42 USC 11431-11435

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
 State plan
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 101 Ops.Cal.Atty.Gen. 92 (2018)
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 89 Ops.Cal.Atty.Gen. 166 (2006)
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 California School Accounting Manual

CA Office of Administrative Hearings
 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 20-01, July 23, 2020

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: A Guide for Governance Teams, rev. 2016

CSBA Publication

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

CSBA Publication

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

U.S. DOE Guidance

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
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Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOGSX2VVH42kMJnO6kg ==
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Exhibit (PDF) 0420.41-E PDF(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 08/27/2020 | **Last Reviewed Date:** 08/27/2020

See PDF on the next page.

REQUIREMENTS FOR CHARTER SCHOOLS

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

3. 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. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
6. 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)

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. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
8. 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)

- 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. 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. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
- 11. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
- 12. 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. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
- 14. 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. 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. 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. 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. 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. Not charge tuition (Education Code 47605)

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. 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. 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. 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. 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. 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. 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

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

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. 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)
32. 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. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

34. 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. 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)
 - 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. 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. 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

38. 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)

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. 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. 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)
41. 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 with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)

42. 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. If the charter school chooses to make the state teachers' retirement plan available to its employees, meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
44. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Parent/Guardian Involvement

45. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
46. 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. 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. Provide each eligible student with one nutritionally adequate 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)
49. If the charter school participates in the National School Lunch and/or Breakfast program, 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)
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. 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. 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)
54. 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. 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. 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. 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)
58. 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. 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. 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. 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. 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. 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. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 48913.5)

Student and Parent/Guardian Records

65. 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. 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. 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. If the charter school serves high school students, submit to the Student Aid Commission, 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 to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)
69. 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 a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

70. 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.
 - 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

71. 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. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
73. 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. 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. 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. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

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

Status: ADOPTED

Original Adopted Date: 10/01/2020 ILast Revised Date: 06/01/2022 ILast Reviewed Date: 06/01/2022

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 be 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 COE-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.
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.

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), 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.
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.
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.
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 interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
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.
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.
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.
10. The district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.
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 (USDA FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

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).
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.
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.
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 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 References

Description

Bus. Code 22580-22582	Privacy Rights for California Minors in the Digital World - https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==
Bus. Code 22584-22585	Student Online Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/FnawJhplusaffvcCQodyGJing==
Bus. Code 22586-22587	Early Learning Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions, directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	Nondiscrimination; accessibility to state web sites - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ--
Gov. Code 12950	California Department of Fair Employment and Housing posters
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

Pub. Res. Code 21082.1

Pub. Res. Code 21092

Pub. Res. Code 21092.2

Federal References

16 CFR 312.1-312.12

17 USC 101-122

17 USC 504

20 USC 1232g

29 USC 705

29 USC 794

34 CFR 104.1-104.61

34 CFR 99.1-99.67

42 USC 12101-12213

Management Resources References

CA Dept of Fair Employment and Housing
Publication

CA Dept of Fair Employment and Housing
Publication

CA Dept of Fair Employment and Housing
Publication

CA Dept of Fair Employment and Housing
Publication

Court Decision

Court Decision

U.S. Department of Agriculture Publication

U.S. Department of Justice Publication

U.S. DOE Office For Civil Rights Publication

U.S. DOE Office for Civil Rights Publication

Website

Website

Website

Website

Website

Website

Prohibition against publishing personal information of person in witness
protection program

California Environmental Quality Act environmental review documents

California Environmental Quality Act environmental review documents

California Environmental Quality Act environmental review documents

Description

Children's Online Privacy Protection Act

Subject matter and scope of copyright

Penalties for copyright infringement

Family Educational Rights and Privacy Act (FERPA) of 1974

Definitions; Vocational Rehabilitation Act

Rehabilitation Act of 1973; Section 504

Nondiscrimination on the basis of disability

Family Educational Rights and Privacy

Americans with Disabilities Act

Description

Family Care and Medical Leave and Pregnancy Disability Leave

California Law Prohibits Workplace Discrimination and Harassment

Transgender Rights in the Workplace

Your Rights and Obligations as a Pregnant Employee

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

City of San Jose v. Superior Court, (2017) 2 Cal.5th 608

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

Accessibility of State and Local Government Websites to People with
Disabilities, June 2003

Dear Colleague Letter, May 26, 2011

Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Governor's Office of Planning and Research, The California Environmental
Quality Act-

<https://simbli.eboardsolutions.com/SU/n5xh7yqpDOayPSDTOPda0A>

California Department of Education, Web Accessibility Standards -

<https://simbli.eboardsolutions.com/SU/ZXERSvLs5TmSYSTnRi4NA>

California School Public Relations Association -

<https://simbli.eboardsolutions.com/SU/csB0m6f7E6wYaEPfZWZFcw>

U.S. Department of Justice, Civil Rights Division, Disability Rights Section -

<https://simbli.eboardsolutions.com/SU/9sZBTKSqXS65pFYoh6ktA>

World Wide Web Consortium, Web Accessibility Initiative -

<https://simbli.eboardsolutions.com/SU/bidXfpUplusS7mVvEQmsT1yhA>

CSBA-

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg>

Website	U.S. Department of Education, Office for Civil Rights - https://simbli_eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg ==
Website	California Department of Fair Employment and Housing - https://simbli_eboardsolutions.com/SU/RRvNseNogmlnMLy18K40jw ==
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References

0000	Vision - https://sirobli_eboardsolutions.com/SU/KljZfslsh88rWzvIh7AJ98iog ==
0410	Nondiscrimination In District Programs And Activities - https://sirobli_eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBEO9dQ ==
0440	District Technology Plan - https://simbli_eboardsolutions.com/SU/c3TEEZEDFLVMDh05wlOTCQ ==
0440	District Technology Plan - https://sirobli_eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA ==
0460	Local Control And Accountability Plan - https://sirobli_eboardsolutions.com/SU/fwFbmazSQUQOAdl7DbzBBg ==
0460	Local Control And Accountability Plan - https://sirobli_eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w ==
0500	Accountability - https://sirobli_eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g ==
0510	School Accountability Report Card - https://sirobli_eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg ==
1100	Communication With The Public - https://sirobli_eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg ==
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1114	District-Sponsored Social Media - https://sirobli_eboardsolutions.com/SU/oxiph1s18K0ELhbFRHpReJLZw ==
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1312.3	Uniform Complaint Procedures - https://sirobli_eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA ==
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1312.3-E PDF(1)	Uniform Complaint Procedures - https://sirobli_eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://sirobli_eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw ==
1325	Advertising And Promotion - https://sirobli_eboardsolutions.com/SU/TPq9ClqZ7jLx8c510jsyog ==
1340	Access To District Records - https://sirobli_eboardsolutions.com/SU/xf1Aslsbslsh7GO4WA2Z2wFHc4ng ==
1340	Access To District Records - https://sirobli_eboardsolutions.com/SU/gcCBzetrVuucd9EFStBmQQ ==
3290	Gifts, Grants And Bequests - https://sirobli_eboardsolutions.com/SU/v0uPSOYKyNQGAvaslshoK4zOw ==
3311	Bids - https://simbli_eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q ==
3311	Bids - https://sirobli_eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA ==

3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/VcXDCKQsxwpNcLpvl3ATIA ==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslsbDCYPHDWjcAvbVoQ ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/alawUcBgaoPCgRAFFsBZwA= ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/islsbVvU1K0PPplusBixlN51S77w ==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslsbFbmBWrrp6toa9Ebffmbx ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrx0FV0TusDr7guOmSQ ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w ==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/GJMMbkTekoVslshhcplusb8hSIGA ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NslKZ3UxVB4jy5glgHIIWg ==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew ==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXd7oy4EQvJziZSatkag ==
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsD19HykDCItBSvYLEIIA ==
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4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/z8saAb1i9vjlsishyJNjIXOrA ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx9430TXDnJq9P0DHTilzg ==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dsishuyFrpXYhjStkTrQw ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslsbEcPlvEScw0Gg ==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXj00g ==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wECPnGtM4813kplusPslsbl0slsbSw ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/700vA0ysAxSYXC8kTgs9Q- ==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A61hj3LSheVqArWU9OaXjA ==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur0SY0LDobGfDwFOZA ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDqpHKGSNJplussQbA ==

4219.21-E PDF(1)	Professional Standards - https://simbli_eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli_eboardsolutions.com/SU/DzT84jciN31dASodXslsbEoA ==
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4232	Publication or Creation of Materials - https://simbli_eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg ==
4261.8	Family Care And Medical Leave - https://simbli_eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slsbFg ==
4319.21	Professional Standards - https://simbli_eboardsolutions.com/SU/53YbPV2hoKqYj7h7jq34plusA ==
4319.21-E PDF(1)	Professional Standards - https://simbli_eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw- ==
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4332	Publication or Creation of Materials - https://simbli_eboardsolutions.com/SU/GslsbGwQt15nlsUrEfg1bgaA ==
4361.8	Family Care And Medical Leave - https://simbli_eboardsolutions.com/SU/qfxyeoli1L04rJjMbBBXNA ==
5022	Student And Family Privacy Rights - https://simbli_eboardsolutions.com/SU/3to8RplnokMSGvb2EJBQmg ==
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5125	Student Records - https://simbli_eboardsolutions.com/SU/Jw4xw3nBZslsbn7ptplustrREaSA ==
5125	Student Records - https://simbli_eboardsolutions.com/SU/9slsbJjQjwlIKjNefOpjUBtbg ==
5125.1	Release Of Directory Information - https://simbli_eboardsolutions.com/SU/jVtwXJDslshkuKNsmoetBdSzQ ==
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5125.1-E PDF(1)	Release Of Directory Information - https://simbli_eboardsolutions.com/SU/u8Wpluss34VJFsqplusSplusApU7gow ==
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6145.2	Athletic Competition - https://simbli_eboardsolutions.com/SU/WjFHslshd0qOBWHJq9f7KfhSQ ==
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6152.1	Placement In Mathematics Courses - https://simbli_eboardsolutions.com/SU/jt6w4Ob915Fk3Zp4xZKDSQ ==
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6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/KSBwRXLbiQ7HqkoPGCSxplusw ==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/gbSCLLEvMmcAbYPOAbkfIA ==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQBnkF76jITkw ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/liN2QJndz1plusqQ6wtTMtpZw ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslsbO3g ==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxZslshBORslsbzL7t0wPgW ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg ==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/dOKQx4NVWCSLFmUtUEplusXw ==
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9010	Public Statements - https://simbli.eboardsolutions.com/SU/cOm032UPyLms8FYn6gbPXA ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/Xl4RzcjBbPgUahBeuSCA ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/GplusMEzk1NsVWNthQXAx4LFQ ==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Y0cKfotklMiw5r0OyNix2A ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw ==

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

Status: ADOPTED

Original Adopted Date: 02/25/2021

See PDF on the next page.

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

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 be 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.
9. 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(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.
4. 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. 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 exiting interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
6. 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. 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. 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. The district's meal payment collection policy and procedures (CDE Nutrition Services Division Management Bulletin SNP-03-2017). See AR 3551 - Food Services Operations/Cafeteria Fund.
10. 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 FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.
11. 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.
12. 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. 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. 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.

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

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

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 time period from the first day students attend classes for 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)

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, 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 is required to stock the school's restrooms with menstrual products for use in connection with the menstrual cycle free of charge. 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 school serving any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available 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. (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, the California Department of Education (COE) 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 COE, 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 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 #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, COE 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 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)

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 References

5 CCR 4600-4670

5 CCR 4680-4687

Description

Uniform complaint procedures

Williams uniform complaint procedures

Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2HI beZIA==
Ed. Code 17592.72	Urgent or emergency repairs; 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 procedures
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314

Description

Title Ischoolwide program

Management Resources References

Website

Description

State Allocation Board, Office of Public School Construction -
<https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ--->

Website

California Department of Education, Williams Case -
<https://simbli.eboardsolutions.com/SU/lgEokvI5m4hKA9yXFZSBA--->

Website

California County Superintendents Educational Services Association -
<https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth521MoLrg==>

Website

CSBA-
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

0460

Local Control And Accountability Plan -
<https://sirobli.eboardsolutions.com/SU/fwFbmaz5QLJQOAdl7DbzBBg==>

0460

Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/NBbGSxBfXalLgcLPJYKR9w==>

1100

Communication With The Public -
<https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A--->

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg--->

1312.2

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/4tJdaJKloaYSSEbRROYJaw--->

1312.2

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/WiQNe3KFNC05p9iplusYuECZQ==>

1312.2-E PDF(1)

Complaints Concerning Instructional Materials -
<https://sirobli.eboardsolutions.com/SU/M8iCyUEBtdadBi4mgLASw==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/yvGj2X8PyrSmBYInybbQA--->

1312.3

Uniform Complaint Procedures -
<https://sirobli.eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag==>

1312.3-E PDF(1)

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/BslshPMK886oDyrBoOyAftUdg==>

1312.3-E PDF(2)

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/HDslshuPXC0G3Oslshr71TMVplus4Jw--->

1340	Access To District Records - https://simbli_eboardsolutions.com/SU/xf1Aslsbslsh7GO4WA2Z2wFHc4ng	==
1340	Access To District Records - https://simbli_eboardsolutions.com/SU/gcCBzehrYuucd9EFStBmQQ	==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli_eboardsolutions.com/SU/4xVQsptyceRtGBjSE9mJGQ	==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli_eboardsolutions.com/SU/CPwhCGZXgC6KkTGvmlIgLw	==
3514	Environmental Safety - https://simbli_eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslsblplusw	==
3514	Environmental Safety - https://simbli_eboardsolutions.com/SU/BSLtfUgO3jNMI5gQwVEu7A	==
3514.2	Integrated Pest Management - https://simbli_eboardsolutions.com/SU/b5iEIQeqP351rst21A1Vxg	==
3517	Facilities Inspection - https://simbli_eboardsolutions.com/SU/FwTPObvRxliNJJslshEW1LnHQ	==
3517-E(1)	Facilities Inspection - https://simbli_eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8yIQ	==
3550	Food Service/Child Nutrition Program - https://simbli_eboardsolutions.com/SU/08qN2JplusCipasRtlJ7nbplus2gg	==
3550	Food Service/Child Nutrition Program - https://simbli_eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg	==
4112.2	Certification - https://simbli_eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg	==
4112.2	Certification - https://simbli_eboardsolutions.com/SU/tUsIsheWyAvQpluseaASVjOFaFlw	==
4112.22	Staff Teaching English Learners - https://simbli_eboardsolutions.com/SU/fPplusf4CbbT2rsQorgRbGQ	==
4113	Assignment - https://simbli_eboardsolutions.com/SU/BbXEYknfTIZslshK6TX1rcPNw	==
4113	Assignment - https://simbli_eboardsolutions.com/SU/BHJLvtOUWpluspJ20aXCvNAPQ	==
4144	Complaints - https://simbli_eboardsolutions.com/SU/gUFnuw70jWGezEp60OAEOW	==
4144	Complaints - https://simbli_eboardsolutions.com/SU/slsbuuXuplus3vKApusjaXKpilZpQQ	==
4244	Complaints - https://simbli_eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag	==
4244	Complaints - https://simbli_eboardsolutions.com/SU/T94gqCe5sbe211LWxwooVA	==
4344	Complaints - https://simbli_eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA	==
4344	Complaints - https://simbli_eboardsolutions.com/SU/35PWlyWDSzcCYbz2slsbslsbaWog	==
6142.92	Mathematics Instruction - https://simbli_eboardsolutions.com/SU/fTMquy4qCooO0o5vPBAIDA	==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli_eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ	==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli_eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q	==

6161.1-E PDF(1)

6161.2

9000

9012

9200

9322

Selection And Evaluation Of Instructional Materials -

<https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV89zg>

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Damaged Or Lost Instructional Materials -

<https://simbli.eboardsolutions.com/SU/pzjqEGaCof7djCA12snnsQ>

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Role Of The Board -

<https://simbli.eboardsolutions.com/SU/8aBsIsbkYpCeLkOFduR9FE4g>

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Board Member Electronic Communications -

<https://simbli.eboardsolutions.com/SU/XI4RzcjjBbPgliabBeu5CA>

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Limits Of Board Member Authority -

https://simbli.eboardsolutions.com/SU/9D6eWnsIsHrnc4a_K9zGITm60w

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Agenda/Meeting Materials -

<https://simbli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw>

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Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

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)

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 the first day students attend classes for that semester. (5 CCR 4600)

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)

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)

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 of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

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)

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

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 resolution of the complaint to the complainant 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)

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 #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

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)

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

Status: ADOPTED

Original Adopted Date: 11/01/2010 I Last Revised Date: 06/01/2022 I Last Reviewed Date: 06/01/2022

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.

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 Williams uniform complaint procedures to address complaints alleging noncompliance with requirements to stock restrooms at certain schools with menstrual products pursuant to Education Code 35292.6; see the accompanying administrative regulation.

- For a school serving any of grades 6-12, the school has not, at all times, stocked and made available 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.

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:

(principal or designee)

(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)

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 References

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

Federal References

20 USC 6314

Management Resources References

Website

Website

Website

Website

Cross References

0460

0460

1100

1250

1250

1312.2

1312.2

1312.2-E PDF(1)

1312.3

Description

Uniform complaint procedures

Williams uniform complaint procedures

County superintendent of schools, duties - <https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==>

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 procedures

Restrooms; maintenance and cleanliness

Notices to parents in language other than English

Hearing on sufficiency of instructional materials

Description

Title Ischoolwide program

Description

State Allocation Board, Office of Public School Construction - <https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

California Department of Education, Williams Case - <https://simbli.eboardsolutions.com/SU/IgEokvI5m4hnKA9yXFZS8A==>

California County Superintendents Educational Services Association - <https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth521Molrg==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg==>

Description

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==>

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/N8bGSx8fxallgclPJYKR9w==>

Communication With The Public - <https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVNfzUDg==>

Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==>

Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==>

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/4tJdaJKloaYSSEbRRROYJaw==>

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/WiQNe3KFNC05p9iplusYuECZQ==>

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/M8iCyUEBtdadBi4mgLAsw==>

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/yvGJj2X8PyrSmBYInybbQA==>

1312.3	Uniform Complaint Procedures - https://simbli_eboardsolutions.com/SU/qu1ox8qD0SpMJPXqVt6gag
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli_eboardsolutions.com/SU/BsIsbPM_K886oDyrBoOyAftUdg
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli_eboardsolutions.com/SU/HDsIsbuPXC0G3Oslshr71TMVplus4Jw
1340	Access To District Records - https://simbli_eboardsolutions.com/SU/xf1AsIsbsIsb7GO4WA2Z2wFHc4ng
1340	Access To District Records - https://simbli_eboardsolutions.com/SU/gcCBzetrVuucd9EFStBmQQ
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli_eboardsolutions.com/SU/4xVQsptyceRtGBjSE9mJGQ
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli_eboardsolutions.com/SU/CPwhCGZXgC6KkTGvmlgLw
3514	Environmental Safety - https://simbli_eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslsblplusw
3514	Environmental Safety - https://simbli_eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A
3514.2	Integrated Pest Management - https://simbli_eboardsolutions.com/SU/b5iEIQeqP351rst21A1Vxg
3517	Facilities Inspection - https://simbli_eboardsolutions.com/SU/FwTPObvRxliNJJsIsbEW1LnHQ
3517-E(1)	Facilities Inspection - https://simbli_eboardsolutions.com/SU/pluswdSb1sGBbeWLETQBPyIQ
3550	Food Service/Child Nutrition Program - https://simbli_eboardsolutions.com/SU/08qN2JplusCipasRtU7nbplus2qg
3550	Food Service/Child Nutrition Program - https://simbli_eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg
4112.2	Certification - https://simbli_eboardsolutions.com/SU/NtHKleuKt9JBbge0adj3gg
4112.2	Certification - https://simbli_eboardsolutions.com/SU/tUsIsbewyAvQpluseaASVjOFaFlw
4112.22	Staff Teaching English Learners - https://simbli_eboardsolutions.com/SU/fPplusf4CbbT2rsQorqrRbGQ
4113	Assignment - https://simbli_eboardsolutions.com/SU/BbXEYknfTIZsIsbK6TX1rcPNw
4113	Assignment - https://simbli_eboardsolutions.com/SU/BHJLvtOUWpluspJ20aXCvNApQ
4144	Complaints - https://simbli_eboardsolutions.com/SU/gUFnuw70jWGezEp60OAEOW
4144	Complaints - https://simbli_eboardsolutions.com/SU/sIsuuXuplus3vKAplusjaXKpHZpQQ
4244	Complaints - https://simbli_eboardsolutions.com/SU/dpWU0BsIsb6hjdsvYvxoilag
4244	Complaints - https://simbli_eboardsolutions.com/SU/T94qiCe5she2ULWxwooVA
4344	Complaints - https://simbli_eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA
4344	Complaints - https://simbli_eboardsolutions.com/SU/35PWlyWDSzczCYbz2sIsbsIsshaWog

6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/FTMquy4qCooO0o5vPBAIDA	==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/OknJQLJnz7OqdbiwOmRLJ3OQ	==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWbEn0Y2Q	==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV89zg	==
6161.2	Damaged Or Lost Instructional Materials - https://sirobli.eboardsolutions.com/SU/pzjgEGaCof7djCA12snnsQ	==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslsbkYpCeLkOFduR2EE4g	==
9012	Board Member Electronic Communications - https://sirobli.eboardsolutions.com/SU/XI4RzcjjBbPgliabBeuSCA	==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/9D6eWnsishrnc4aK9zGlTm6Ow	==
9322	Agenda/Meeting Materials - https://sirobli.eboardsolutions.com/SU/rPzCGxop9pluspluscD3iWn6mhcw	==

Exhibit (PDF) 1312.4-E PDF(1): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019

See PDF on the next page.

Exhibit 1

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:

K-12 COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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.

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 a semester for an entire semester.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

Policy 3110: Transfer Of Funds

Status: ADOPTED

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

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. 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. 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: 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. 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)
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)
5. Transfer monies between other funds or accounts when authorized by law.

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 References**Description**

Ed. Code 16095

Transfer of district funds to district state school building fund - <https://simbli.eboardsolutions.com/SU/DckNigplus9tDnTa0uS0C6Kdw>

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

Ed. Code 42600

Ed. Code 42601

Ed. Code 42603

Ed. Code 42840-42843

Ed. Code 5200

Ed. Code 52616.4

Ed. Code 78

Local control funding formula

District budget limitation on expenditure

Transfers between funds to permit payment of obligations at close of year

Transfer of monies held in any fund or account to another fund; repayment

Special reserve fund

Districts governed by boards of education

Expenditures from adult education fund

Definition, governing board

Management Resources References

CA Department of Education Publication

Website

Website

Website

Description

California School Accounting Manual

California Department of Education -

<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2YZSFZQ==>

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Fiscal Crisis and Management Assistance Team -

<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbL00xQ==>

Cross References

0460

0460

3000

3100

3100

3300

3350

3400

3400

3460

3460

3470

3551

3551

Description

Local Control And Accountability Plan -

<https://simbli.eboardsolutions.com/SU/fwFbmaz5QIJQOAdl7DbzBBg==>

Local Control And Accountability Plan -

<https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLqCLPJYKR9w==>

Concepts And Roles -

<https://simbli.eboardsolutions.com/SU/cplusZbQcQ4IXPVaA11EqU7LQ==>

Budget-

<https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==>

Budget -

<https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

Expenditures And Purchases -

<https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==>

Travel Expenses -

<https://simbli.eboardsolutions.com/SU/3iS9Ww7bWuqEabgSwrFJplusg==>

Management Of District Assets/Accounts -

<https://simbli.eboardsolutions.com/SU/qQg2QsOVtgXvS1coVhS0Pg==>

Management Of District Assets/Accounts -

<https://simbli.eboardsolutions.com/SU/EEPEBKLEmi83u81NRq4qNw==>

Financial Reports And Accountability -

<https://simbli.eboardsolutions.com/SU/0csifafQslsbeiBbwIwWEsitQ==>

Financial Reports And Accountability -

<https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgONQiUrXYkrQ==>

Debt Issuance And Management -

<https://simbli.eboardsolutions.com/SU/uaUO1PslsbiQVjou0LbEBFgPg==>

Food Service Operations/Cafeteria Fund -

<https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g==>

Food Service Operations/Cafeteria Fund -

<https://simbli.eboardsolutions.com/SU/NsIKZ3UxVB4jy5glqHITWg==>

Policy 3110: Transfer Of Funds

Status: ADOPTED

Original Adopted Date: 01/16/2014 | **Last Revised Date:** 08/26/2021 | **Last Reviewed Date:** 08/26/2021

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. 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. 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)

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)

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)
 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)
 5. Transfer monies between other funds or accounts when authorized by law.
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Regulation 3517: Facilities Inspection

Status: ADOPTED

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

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, 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: 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 367 (Ch. 664, Statutes of 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 is required to stock the school's restrooms with free menstrual products for use in connection with the menstrual cycle, and post a notice as described below. See the accompanying exhibit for a sample notice.

In addition, any school serving any of grades 6-12 shall, at all times, stock and make available 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 district shall post in a prominent and conspicuous location a notice regarding this requirement that includes an email address and telephone number for a designated individual responsible for maintaining the requisite supply of menstrual products. (Education Code 35292.6)

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.
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
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.
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.
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, 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). 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 visit. Education Code 1240 provides that, if the County Superintendent determines that a facility condition

poses an emergency or urgent threat, 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 COE's web site.

The Superintendent or designee shall provide the Governing Board with regular reports regarding the district's facility 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.

State References

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

Description

Emergency Repair Program -

<https://simbli.eboardsolutions.com/SU/ZtX55Ue9ctaSCHdnkNBQAw>

County superintendent of schools, duties -

<https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA>

State School Building Lease-Purchase Law, including definition of good repair -

<https://simbli.eboardsolutions.com/SU/SWCTtYtHLBJY2oTkKplusAVlw>

Leroy F. Greene School Facilities Act of 1998 -

<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg>

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

Federal References

20 USC 6314

Description

Schoolwide programs

42 USC 300f-300j-27

Safe Drinking Water Act

Management Resources References

Description

State Allocation Board, Public School Construction Facility Inspection Tool: School Facility Conditions Evaluation

Website

California County Superintendents Educational Services Association -

<https://simbli.eboardsolutions.com/SU/FJy7Gf2dJxDpluso3aMdrmkQ>

Website

California Department of Education, Williams Case -

<https://simbli.eboardsolutions.com/SU/lgEokvI5m4hnKA9yXFZS8A>

Website

State Allocation Board, Office of Public School Construction -

<https://simbli.eboardsolutions.com/SU/UxJcDGuszWNedr16Dp8wuQ>

Website

Coalition for Adequate School Housing -

<https://simbli.eboardsolutions.com/SU/zOaL3RZeCPBOQ9GOYjpAg>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg>

Cross References

Description

0460

Local Control And Accountability Plan -

<https://simbli.eboardsolutions.com/SU/fwFbmazSQUQOAdI7DbzBBg>

0460

Local Control And Accountability Plan -

<https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKf76>

0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwPrYQ1WmBg	==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDECIIDy3T6A	==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfYJ15Q	==
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHypIusslsbVG7skrokSEBEbRw	==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MAP1vZuzplus4Ggg6jSyKSKQ	==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA11FqU7LQ	==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q	==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA	==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRsishKMofg	==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNTbKiqKOCpoemKmiEAE2w	==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslsblplusw	==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUqO3jNMISqQwVEu7A	==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iETQeqP351rst21A1Vxg	==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7quOmSQ	==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDoSWSw	==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nbpplus2qg	==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg	==
6117	Year-Round Schedules - https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg	==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/H0PXuOCfbfklussVfoH3BEA	==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslsbg	==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsIsbkYpCeLkOFFduR9FE4g	==

Regulation 3517: Facilities Inspection

Status: ADOPTED

Original Adopted Date: 06/07/2018 | **Last Reviewed Date:** 06/07/2018

The Superintendent or designee shall inspect school facilities to ensure that they are maintained in good repair. At a minimum, he/she 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.

In addition, in a 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, at least 50 percent of the school's restrooms are stocked with feminine hygiene products, for which students are not charged. (Education Code 35292.6; 20 USC 6314)

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.
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.
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.
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.
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.

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)

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, or kept open, shall be addressed in accordance with AR 1312.4 - Williams Uniform Complaint Procedures.

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

Exhibit 3517-E(t): 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:

(name and/or title/position)

(telephone number)

(email address)

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 References

2 CCR 1859.300-1859.330

Ed. Code 1240

Ed. Code 17002

Ed. Code 17070.10-17077.10

Ed. Code 17565-17591

Description

Emergency Repair Program -

<https://simbli.eboardsolutions.com/SU/ZtX55Ue9ctaSCHdnkNBQAw=>

County superintendent of schools, duties -

<https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA=>

State School Building Lease-Purchase Law, including definition of good repair -

<https://simbli.eboardsolutions.com/SU/SWCTtYtHLbJY2oTkKplusAVTw=>

Leroy F. Greene School Facilities Act of 1998 -

<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg=>

Property maintenance and control

Ed. Code 17592.72	Urgent or emergency repairs; 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

Federal References

20 USC 6314	Schoolwide programs
42 USC 300f-300j-27	Safe Drinking Water Act

Management Resources References

State Allocation Board, Public School Construction Facility Inspection Tool: School Facility Conditions Evaluation

Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/FJy7Gf2dJxDpluso3aMdrmcKQ=
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/lgEokvl5m4hnKA9yXFZS8A=
Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ--
Website	Coalition for Adequate School Housing - https://simbli.eboardsolutions.com/SU/zOaL3RZeoCPBOQ9GOYjpAg--
Website	CSBA https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg=

Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmazSQUQOAdI7DbzBBg=
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaILgcLPJYKR9w=
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwPrYQ1WmBg=
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K4sSLEmfPDpDFCTIDy3T6A=
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jNRJER1z7850tslshkvfYJ1SQ--
1312.4-E(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/cqrHypIusslshVG7skrokSE8EbRw=
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MAPp1vZuzplus4Gqg6jSyKSKQ--
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ=
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q=
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA=
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/V9FyWG0RGodKIGNRslshKMofg=
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNTbkiqKOcpoemKmiEAE2w=
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87PshlpIusw--

3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A ==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/b5iEIQeqP351rst21A1Vxg ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrx0FV0TusDr7guOmSQ ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2gg ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg ==
6117	Year-Round Schedules - https://simbli.eboardsolutions.com/SU/PGJOeo0EaMcrbETUgSfnfg ==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/H0PXuOCfbfbkplussVfoH3BEA ==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/goJCKlh6pJu8MfDmEYslshg ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsIsbkYpCeLkOffduR9FE4g ==

Policy 3523: Electronic Signatures

Status: ADOPTED

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

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 References

2 CCR 22000-22005

5 CCR 16020-16022

5 CCR 16023-16027

5 CCR430

5 CCR432

Civ. Code 1633.1-1633.17

Civ. Code 1798.29

Ed. Code 35252-35255

Ed. Code 44031

Ed. Code 49060-49079.7

Ed. Code 8234

Gov. Code 16.5

Gov. Code 6252-6265

Gov. Code 811.2

Description

Public entity use of electronic signatures -

<https://simbli.eboardsolutions.com/SU/jjoxXkoplusnISsKsUaPslsbQplusVg=>

Records, general provisions

District records, retention and destruction

Individual student records; definition

Student records

Uniform Electronic Transactions Act

District records; breach of security -

<https://simbli.eboardsolutions.com/SU/LBkkDX80IBFu9Jplus09hdW9w=>

Records and reports

Personnel file contents and inspection

Student records

Electronic signatures; child care and development programs

Electronic signatures

Inspection of public records

Definition of public entity

Federal References

15 USC 7001-7006

20 USC 1232g

20 USC 1400-1482

34 CFR 300-300.818

Description

Electronic Records and Signatures in Commerce Act

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Assistance to states for the education of students with disabilities

Management Resources References

CA Department of Education Publication

Description

Management Bulletin 17-13, October 2017

Cross References**Description**

3510

Green School Operations -

<https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjILPFfUw>

3580

District Records -

<https://simbli.eboardsolutions.com/SU/8fsDI9HykDCitBSvYLEIIA>

3580

District Records -

<https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q>

5148

Child Care And Development -

<https://simbli.eboardsolutions.com/SU/gY1SkvM64fYniOsishEytOg3A>

5148

Child Care And Development -

<https://simbli.eboardsolutions.com/SU/IPI7b2rDSMZyXUHLH90nRA>

5148.3

Preschool/Early Childhood Education -

<https://simbli.eboardsolutions.com/SU/3WD3cPzZScHkLGieytkEKA>

5148.3

Preschool/Early Childhood Education -

<https://simbli.eboardsolutions.com/SU/yUGzYIAmdf85jnh2JwXT6Q>

6159.1

Procedural Safeguards And Complaints For Special Education -

<https://simbli.eboardsolutions.com/SU/SOPIFWQOdcwNeAZdN9bmYQ>

6159.1

Procedural Safeguards And Complaints For Special Education -

<https://simbli.eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q>

Regulation 3523: Electronic Signatures

Status: ADOPTED

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

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 References

	Description
2 CCR 22000-22005	Public entity use of electronic signatures - https://simbli.eboardsolutions.com/SU/jjoxXkoplusnISsKsUaPslshQplusYg
5 CCR 16020-16022	Records, general provisions
5 CCR 16023-16027	District records, retention and destruction
5 CCR430	Individual student records; definition
5 CCR432	Student records
Civ. Code 1633.1-1633.17	Uniform Electronic Transactions Act
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX80IBFu9JplusO9hdW9w
Ed. Code 35252-35255	Records and reports
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 49060-49079.7	Student records
Ed. Code 8234	Electronic signatures; child care and development programs
Gov. Code 16.5	Electronic signatures
Gov. Code 6252-6265	Inspection of public records
Gov. Code 811.2	Definition of public entity

Federal References

	Description
15 USC 7001-7006	Electronic Records and Signatures in Commerce Act
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300-300.818	Assistance to states for the education of students with disabilities
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act

Management Resources References

	Description
CA Department of Education Publication	Management Bulletin 17-13, October 2017

Cross References

	Description
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjlLPfUw
3580	District Records - https://simbli.eboardsolutions.com/SU/8fsDI9HykDClBsvVLEIIA
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqF5dbh66Q

5148	Child Care And Development - https://simbli_eboardsolutions.com/SU/gV15kvM64fYni0slshEytQg3A ==
5148	Child Care And Development - https://simbli_eboardsolutions.com/SU/PI7b2rDSMZyxuLH90nRA ==
5148.3	Preschool/Early Childhood Education - https://simbli_eboardsolutions.com/SU/3WD3cPzZScHkLGieytbEKA ==
5148.3	Preschool/Early Childhood Education - https://simbli_eboardsolutions.com/SU/yUGzYIAmdf85jnh2JwXT6Q ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli_eboardsolutions.com/SU/S0PIEWQ0dcwNeAZdN9bmYQ ==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli_eboardsolutions.com/SU/3gc3YUKeG1b3e7zDpoTL3Q ==

Policy 3550: Food Service/Child Nutrition Program

Status: ADOPTED

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

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 lunch free of charge to any student who requests a meal, regardless of the student's eligibility for a federally funded free or reduced-price meal. However, in order to receive reimbursements for the meals, 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). 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 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 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
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: 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 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.

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. 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.

Students shall be allowed adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to promote participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school cafeterias and facilities for 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 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 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 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.

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 References

5 CCR 15510
 5 CCR 15530-15535
 5 CCR 15550-15565
 5 CCR 15575-15578
 Ed. Code 35182.5
 Ed. Code 38080-38103
 Ed. Code 45103.5
 Ed. Code 48432.3
 Ed. Code 49430-49434
 Ed. Code 49490-49494
 Ed. Code 49500-49505
 Ed. Code 49501.5
 Ed. Code 49510-49520
 Ed. Code 49530-49536
 Ed. Code 49540-49546
 Ed. Code 49547-49548.3
 Ed. Code 49550-49562
 Ed. Code 49570
 Ed. Code 51795-51797
 H&S Code 113700-114437

Federal References

42 USC 1751-1769j
 42 USC 1758b
 42 USC 1761
 42 USC 1769a
 42 USC 1771-1793
 42 USC 1772
 42 USC 1773
 7 CFR 210.1-210.31
 7 CFR 215.1-215.18
 7 CFR 220.2-220.22
 7 CFR 245.1-245.13

Management Resources References

CA Project Lean Publication
 California Department of Education Publication
 California Department of Education Publication
 October 27, 2022

Description

Mandatory meals for needy students
 Nutrition education
 School lunch and breakfast programs
 Requirements for foods and beverages outside the federal meals program
 Contracts for advertising
 Cafeteria; establishment and use
 Contracts for management consulting services; restrictions
 Voluntary enrollment in continuation education
 Pupil Nutrition, Health, and Achievement Act of 2001
 School breakfast and lunch programs
 School meals
 California Universal Meals Program
 Nutrition
 Child Nutrition Act
 Child care food program
 Comprehensive nutrition services
 Meals for needy students
 National School Lunch Act
 School instructional gardens
 California Retail Food Code; sanitation and safety requirements

Description

National School Lunch Program
 Local wellness policy
 Summer Food Service Program and Seamless Summer Feeding Option
 Fresh Fruit and Vegetable Program
 Child Nutrition Act
 Special Milk Program
 School Breakfast Program
 National School Lunch Program
 Special Milk Program
 National School Breakfast Program
 Eligibility for free and reduced-price meals and free milk

Description

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
 Healthy Children Ready to Learn, January 2005
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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
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Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ
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Policy 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 12/10/2015 | **Last Reviewed Date:** 12/10/2015

The Board of Education recognizes that adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

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

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

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.

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 adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

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

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 service.

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 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 standard, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by the CDE.

Regulation 3550: Food Service/Child Nutrition Program

Status: ADOPTED

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

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: The following section is for use by all districts. Education Code 49501.5, as added by AB 130 (Ch. 44, Statutes of 2021), requires all schools to provide, free of charge, two nutritiously adequate meals per school day to any student who requests a meal, regardless of a student's eligibility to participate in any federally-funded free or reduced-price 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 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. 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 215.7, districts may choose to provide milk at no charge to students who qualify for free 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 215.7)

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 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. 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 ensure that food service directors, managers, and 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. For each employee, the Superintendent or designee shall document the date, trainer, and subject of each training.

CSBA NOTE: The following paragraph is optional. 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.

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 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 References

5 CCR 15510

5 CCR 15530-15535

5 CCR 15550-15565

5 CCR 15575-15578

Ed. Code 35182.5

Ed. Code 38080-38103

Ed. Code 45103.5

Ed. Code 48432.3

Ed. Code 49430-49434

Ed. Code 49490-49494

Ed. Code 49500-49505

Ed. Code 49501.5

Ed. Code 49510-49520

Ed. Code 49530-49536

Ed. Code 49540-49546

Ed. Code 49547-49548.3

Ed. Code 49550-49562

Ed. Code 49570

Ed. Code 51795-51797

H&S Code 113700-114437

Description

Mandatory meals for needy students

Nutrition education

School lunch and breakfast programs

Requirements for foods and beverages outside the federal meals program

Contracts for advertising

Cafeteria; establishment and use

Contracts for management consulting services; restrictions

Voluntary enrollment in continuation education

Pupil Nutrition, Health, and Achievement Act of 2001

School breakfast and lunch programs

School meals

California Universal Meals Program

Nutrition

Child Nutrition Act

Child care food program

Comprehensive nutrition services

Meals for needy students

National School Lunch Act

School instructional gardens

California Retail Food Code; sanitation and safety requirements

Federal References

42 USC 1751-1769j

42 USC 1758b

42 USC 1761

42 USC 1769a

42 USC 1771-1793

42 USC 1772

42 USC 1773

Description

National School Lunch Program

Local wellness policy

Summer Food Service Program and Seamless Summer Feeding Option

Fresh Fruit and Vegetable Program

Child Nutrition Act

Special Milk Program

School Breakfast Program

7 CFR 210.1-210.31
 7 CFR 215.1-215.18
 7 CFR 220.2-220.22
 7 CFR 245.1-245.13

National School Lunch Program
 Special Milk Program
 National School Breakfast Program
 Eligibility for free and reduced-price meals and free milk

Management Resources References

Description

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-13-2020, Updated January 2022
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3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihY3gK9PplusFxGH41tOEw ==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXd7oy4EQvJziZSatkaq ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/Y0ZPIISplus2xHEiLURmRHYzQ ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutioos.com/SU/0QSc04sXK4An7L2TouWocg ==
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3554	Other Food Sales - https://simbli.eboardsolutioos.com/SU/npluszuymEvcWm0UlgSnn61aQ ==

3555	Nutrition Program Compliance - https://simbli_eboardsolutioos.com/SU/XKe0wQEvO2cheo7acL3BFA ==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli_eboardsolutioos.com/SU/ukhuacwucDP1t5CkuDdS3w ==
3580	District Records - https://simbli_eboardsolutions.com/SU/8fsD19HykDCItBSvVLEIIA ==
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4141.6	Concerted Action/Work Stoppage - https://simbli_eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg ==
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4241.6	Concerted Action/Work Stoppage - https://simbli_eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg ==
4241.6	Concerted Action/Work Stoppage - https://simbli_eboardsolutioos.com/SU/WSExJpluss6yHnOMElqyCk91Q ==
5030	Student Wellness - https://simbli_eboardsolutioos.com/SU/CvzKiloplusCH4n5fplusjplusl81jA ==
5141.27	Food Allergies/Special Dietary Needs - https://simbli_eboardsolutioos.com/SU/MS09fvkpcfTxXADdn7slsbBg ==
5141.27	Food Allergies/Special Dietary Needs - https://simbli_eboardsolutions.com/SU/pbePTFFyvpXAZJEa77Eu6w ==
5148	Child Care And Development - https://simbli_eboardsolutioos.com/SU/gV15kvM64fyoiDsIsbEytQg3A ==
5148	Child Care And Development - https://simbli_eboardsolutions.com/SU/IPIZb2rDSMZyxulLH90nRA ==
5148.2	Before/After School Programs - https://simbli_eboardsolutions.com/SU/ZCXkdpn0NOWtDDYWmvGMPw ==
5148.2	Before/After School Programs - https://simbli_eboardsolutioos.com/SU/6TCzxi5d2ShJygXCj1JXQ ==
5148.3	Preschool/Early Childhood Education - https://simbli_eboardsolutioos.com/SU/3WD3cPzZScHkLGieytbEKA ==
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6142.8	Comprehensive Health Education - https://simbli_eboardsolutioos.com/SU/26yNHUwMmAXRvJ1b3jpT2g ==
6142.8	Comprehensive Health Education - https://simbli_eboardsolutioos.com/SU/tbwOlmdoEz4Q1Vjo8rYolQ ==
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6173-E PDF(1)	Education For Homeless Children - https://simbli_eboardsolutioos.com/SU/WeRWxD20iReBezfn3aKzplusQ ==
6173-E PDF(2)	Education For Homeless Children - https://simbli_eboardsolutioos.com/SU/D7vRHxZXslshBORslshzL7t0wPgW ==

6176

Weekend/Saturday Classes -

<https://simbli.eboardsolutioos.com/SU/gT9qUoycslshwAqFdyaRaqF4w> ==

7110

Facilities Master Plan -

<https://simbli.eboardsolutions.com/SU/H0PXuOCfbfkphissVfoH3BEA> ==

Regulation 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 09/08/2016 | **Last Reviewed Date:** 09/08/2016

Nutrition Standards for School Meals

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49531, 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
2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

Drinking Water

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

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 215.1)

Food Safety

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.

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)

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

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

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

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 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

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

CSBA NOTE: The following conditionally mandated policy may be revised to reflect district practice. Pursuant to U.S. Department of 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; 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 (COE) "California School Accounting Manual."

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and 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 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 (COE) 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, at least once each year, on food service administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures). In addition, all food service personnel are required to receive annual training that is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and to ensure program compliance and integrity. Food service personnel must obtain certification on an annual basis to demonstrate competence in the training. 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. See CDE's web site for online training that meets these requirements.

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 COE. (42 USC 1776)

Meal Sales

CSBA NOTE: Commencing with the 2022-23 school year, each district is required, pursuant to Education Code 49501.5, as added by AB 130, to provide a nutritionally adequate breakfast and lunch free of charge, 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. For further information, see BP 3553 - Free and Reduced Price Meals.

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)

CSBA NOTE: Pursuant to Education Code 38082, the Governing Board is authorized to adopt a resolution to permit the serving of meals to individuals and organizations other than those specified in the preceding paragraph. CDE's Nutrition Services Division Management Bulletin SNP-04-2021 states that funds from the National School Lunch or Breakfast Program may not be used to serve any nonstudent. 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. 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).

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.

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. 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. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

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).

OPTION 1: The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

OPTION 1 ENDS HERE

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

OPTION 2 ENDS HERE

Contracts with Outside Services

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. Education Code 45103.5, 42 USC 1764 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.

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'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'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. 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.

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.

State References

5 CCR 15550-15565

Ed. Code 38080-38086

Ed. Code 38090-38095

Ed. Code 38100-38103

Ed. Code 42646

Ed. Code 45103.5

Ed. Code 49490-49493

Ed. Code 49500-49505

Ed. Code 49550-49564.5

Ed. Code 49554

Ed. Code 49580-49581

F&A Code 58595

H&S Code 113700-114437

Pub. Cont. Code 2000-2002

Pub. Cont. Code 20111

Description

School lunch and breakfast programs

School meals

Cafeterias, funds and accounts

Cafeterias, allocation of charges

Alternate payroll procedure

Contracts for management consulting services; restrictions

School breakfast and lunch programs

School meals

Meals for needy students

Contract for services

Food recovery program

Preference for California-grown agricultural products

California Retail Food Code; sanitation and safety requirements

Responsive bidders

Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Federal References

2 CFR 200

2 CFR 200.318-200.326

2 CFR 200.400-200.475

2 CFR 200.56

42 USC 1751-1769j

42 USC 1771-1793

42 USC 1773

7 CFR 210.1-210.31

7 CFR 210.1-210.33

7 CFR 220.1-220.21

7 CFR 220.1-220.22

7 CFR 245.8

7 CFR 250.1-250.70

Description

Appendix VII Indirect cost proposals

Procurement standards

Cost principles

Indirect costs, definition

School Lunch Program

Child nutrition

School Breakfast Program

National School Lunch Program

National School Lunch Program

National School Breakfast Program

National School Breakfast Program

Nondiscrimination practices for students eligible for free and reduced price meal and free milk

USDA foods

Management Resources References

CA Department of Education Publication

Description

California School Accounting Manual

California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
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	Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-05-2020, February 2020
California Department of Education Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
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	Unpaid Meal Charges: Local Meal Charge Policies, SP-46-2016, July 2016
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn78BqplusR7BQ ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rIEl2uz0BslshlorGXQ ==
Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ ==

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ ==
1113	District And School Web Sites.- https://simbli.eboardsolutions.com/SU/tuHL5JjVCCJcBx3RI3Hfw ==
1113	District And School Web Sites.- https://simbli.eboardsolutions.com/SU/ZEoW4ZKHCT3nfqLxRIR1fw ==
1113-E(1)	District And School Web Sites.- https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTlsM6ew ==
1340	Access To District Records - . https://simbli.eboardsolutions.com/SU/xf1Aslsbslsh7GO4WA2Z2wFHC4ng ==
1340	Access To District Records - . https://simbli.eboardsolutions.com/SU/gcCBzkrVuucd9EFStBmQQ ==
3100	Budget- . . https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjTUb1FQ ==
3100	Budget- . . https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw ==
3110	Transfer Of Funds - . https://simbli.eboardsolutions.com/SU/g7jG6Z2VGWY4vyMKAjslshXplusA ==
3230	Federal Grant Funds - . https://simbli.eboardsolutions.com/SU/OVH379RjCOa1aO711IEHYg ==
3230	Federal Grant Funds - . https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w ==
3260	Fees And Charges - . https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA ==

3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA	==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ	==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q	==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA-	==
3312	Contracts - https://simbli.eboardsolutions.com/SU/fXvC3hMz5b6WCslsh8VCWplus8QQ	==
3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/JslsbEYCCuajlw6avqMYflJug	==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg	==
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3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/0csifafQslsbei8bwlwWEsitQ	==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgONQiUrXYkrQ	==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjLPPfUw-	==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ	==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAovY3u49coMifpxvKeARg	==
3512	Equipment - https://simbli.eboardsolutions.com/SU/eZslshZHMnYpluscHnfpO2vztUslsbg	==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/vT6eQv7UTk9IKiR0gVplusiBg	==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/geomrY9Sslshaklhn9ZI2plusQbA	==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2gg	==
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3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUibV3gK9PplusFxFxGH4It0Ew	==
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3580	District Records - https://simbli.eboardsolutions.com/SU/BfsD19HykDCItBSvVLEIIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/gX132ogfrNaLpqFSdbh66Q==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMIsIshxU2YOPYoMMU2U7w==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQBwsNQbauBLA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiwSkZIComkgEEHCuVAlA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FaUFrJnlbcVy3kgsTslshNU6g==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3B11BFE9slshf2AlollsFw7ag==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiloplusCH4n5fplusjpluslBljA==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxJtlUJ0XfalLui15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2HslsblwsIsh02DTEyMg==

Policy 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

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.

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.

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

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

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

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

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.

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

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

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

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

Contracts with Outside Services

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

Procurement of Foods, Equipment and Supplies

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United

States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and 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)

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

Program Monitoring and Evaluation

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

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

Regulation 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

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

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

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, 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 eligibility forms at the start of the school year
4. Posting the policy on the district's web site

Reimbursement Claims

CSBA NOTE: To streamline administration of state and federal meal programs, the California Department of Education (COE) 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 meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (COE) 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 paragraph is optional. By law, cafeteria funds may be used for the operation and improvement of 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 district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by 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'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'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. The district shall ensure that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.121)

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. (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)

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 References

5 CCR 15550-15565

Ed. Code 38080-38086

Ed. Code 38090-38095

Ed. Code 38100-38103

Ed. Code 42646

Ed. Code 45103.5

Ed. Code 49490-49493

Ed. Code 49500-49505

Ed. Code 49550-49564.5

Ed. Code 49554

Ed. Code 49580-49581

F&A Code 58595

H&S Code 113700-114437

Pub. Cont. Code 2000-2002

Pub. Cont. Code 20111

Description

School lunch and breakfast programs

School meals

Cafeterias, funds and accounts

Cafeterias, allocation of charges

Alternate payroll procedure

Contracts for management consulting services; restrictions

School breakfast and lunch programs

School meals

Meals for needy students

Contract for services

Food recovery program

Preference for California-grown agricultural products

California Retail Food Code; sanitation and safety requirements

Responsive bidders

Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Federal References

2 CFR 200

2 CFR 200.318-200.326

2 CFR 200.400-200.475

2 CFR 200.56

42 USC 1751-1769j

Description

Appendix VII Indirect cost proposals

Procurement standards

Cost principles

Indirect costs, definition

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	USDA foods

Management Resources References

Description

CA Department of Education Publication	California School Accounting Manual
California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
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	Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-05-2020, February 2020
California Department of Education Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
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	Unpaid Meal Charges: Local Meal Charge Policies, SP-46-2016, July 2016
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpo2rIEl2uz0BslshlorGXQ
Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ

Cross References

1340

0410

1113

1113

1113-E(1)

1340

Description

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ-->

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/tuHLSJjVCCjJcBx3RI3Hfw-->

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRIR1fw=>

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/iSILslsh83D1nplusoytHTIsM6ew=>

Access To District Records -

<https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng=>

Access To District Records -

https://simbli.eboardsolutions.com/SU/gcCBzokrV11ucd9EFStBmQ_Q=

3100	Budget- https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1FQ	==
3100	Budget- https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slsbw	==
3110	Transfer Of Funds - https://simbli.eboardsolutions.com/SU/g7jG6Z2VGWY4vyMKAjslshXplusA	==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjCOa1aO711IEHYg	==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDfyCkoN8w	==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA	==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA	==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ	==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q	==
3311	Bids - https://simbli.eboardsolutions.com/SU/ry0hLBz8DRvRct6kukvHHA	==
3312	Contracts- https://simbli.eboardsolutions.com/SU/fXvC3hMz5b6WCslsh8VCWplus8QQ	==
3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/JsIsbEYCCuajlw6avqMYfuJug	==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg	==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw	==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/0csifafQslsbei8bwlwWEsitQ	==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IP5i9D5BpfgONQjUrXYkrQ	==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjllPFfUw-	==
3511	Energy And Water Management- https://simbli.eboardsolutions.com/SU/6U4LYM8ogngwmrbp8zWccQ	==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAnvY3u49coMifpxvKeARg	==
3512	Equipment - https://simbli.eboardsolutions.com/SU/eZslshZHMnYpluscHnfpO2vztUslshg	==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/vT6eQv7UTk91kiR0gVplusiBg	==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/geomrY9Sslshaklhn9ZI2plusQbA	==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nbplus2qg	==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg-	==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew	==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag	==

3553	Free And Reduced Price Meals - https://simbli-eboardsolutioos.com/SU/V07PII5plus2xHEiLURmRHYzQ	==
3553	Free And Reduced Price Meals - https://simbli-eboardsolutioos.com/SU/0Q5co4sXK4An7L2TouWocg	==
3554	Other Food Sales - https://simbli-eboardsolutioos.com/SU/XA2ZvkZLpluswEugplusbBS11Yw	==
3554	Other Food Sales - https://simbli-eboardsolutioos.com/SU/npluszuymEvcWm0UlgSnn61aQ	==
3555	Nutrition Program Compliance - https://simbli-eboardsolutions.com/SU/XKe0wQEVO2cheo7acL3BFA	==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli-eboardsolutioos.com/SU/ukhuacwucDP1t5CkuDdS3w	==
3580	District Records - https://simbli-eboardsolutions.com/SU/8fsDI9HykDChBSvVLEIIA	==
3580	District Records - https://simbli-eboardsolutioos.com/SU/gX132ogfrNaLpqF5dbbh66Q	==
4112.4	Health Examinations - https://simbli-eboardsolutions.com/SU/sILMIsIshxU2YOPYoMMU2U7w	==
4212	Appointment And Conditions Of Employment - https://simbli-eboardsolutioos.com/SU/lxFxNaSMhpQBwsNQbauBLA	==
4212.4	Health Examinations - https://simbli-eboardsolutions.com/SU/RQjwSkZIComkgEEHCuVAlA	==
4231	Staff Development - https://simbli-eboardsolutioos.com/SU/FAuFrJnlbcVy3kgsTslshNU6g	==
4312.4	Health Examinations - https://simbli-eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw	==
4331	Staff Development - https://simbli-eboardsolutioos.com/SU/3BIIBEE2slsbf2AlollsFw7ag	==
5030	Student Wellness - https://simbli-eboardsolutions.com/SU/CvzKiloplusCH4n5fplusiplusl81jA	==
5145.6	Parental Notifications - https://simbli-eboardsolutioos.com/SU/SuvNxJtlUJ0XfalLui15AA	==
5145.6-E PDF(1)	Parental Notifications - https://simbli-eboardsolutioos.com/SU/3aQzL6ew2Hslsblwslsb02DIEyMg	==

Regulation 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Revised Date:** 08/27/2020 | **Last Reviewed Date:** 08/27/2020

Payments for Meals

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

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

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

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.

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

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)

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

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

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

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

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

Reimbursement Claims

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

Donation of Leftover Food

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

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce 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

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)

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

With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the 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 by the district with nonfederal funds. (Education Code 49550.5)

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)

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)

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

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

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)

Policy 3553: Free And Reduced Price Meals

Status: ADOPTED

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

CSBA NOTE: In addition to the requirement, pursuant to Education Code 49550, that all districts provide at least one nutritionally adequate meal during each school day to needy students, as defined in Education Code 49552, 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 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 in the district's food service program.

Each school day, the district shall provide, free of charge, a nutritionally adequate breakfast and lunch for any student who requests a meal. (Education Code 49501.5)

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 ensure that schools receive maximum federal meal reimbursement, the Superintendent or designee shall assess the eligibility of district schools to operate a federal universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a. The Superintendent or designee shall submit an application to operate a federal universal meal provision to the California Department of Education (CDE) on behalf of any district school that meets the definition of a "high poverty school." (Education Code 49564.3)

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 state and/or federal nutritional guidelines in 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 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: 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.

The Board shall approve, and shall submit to CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals 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 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 records pertaining to 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: In its Management Bulletin SNP-02-2018, CDE clarified that designated school officials authorized to administer the free and reduced-price meal program may share the name and eligibility status of a student with other school officials within the district for purposes not directly related to the free and reduced-price meal program, such as to facilitate the 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 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 providing 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 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. The Superintendent or designee also may release information on the school lunch application to the local agency that determines eligibility for Cal Fresh 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}

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 References

5 CCR 15510

5 CCR 15530-15535

5 CCR 15550-15565

Ed. Code 48980

Ed. Code 49430-49434

Ed. Code 49490-49494

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

Description

Mandatory meals for needy students

Nutrition education

School lunch and breakfast programs

Parent/Guardian notifications

Pupil Nutrition, Health, and Achievement Act of 2001

School breakfast and lunch programs

School meals

California Universal Meals Program

Nutrition

Child Nutrition Act

Comprehensive nutrition services

Meals for needy students

High-poverty schools; universal meal service

Federal References

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

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

Management Resources References

Description

California Department of Education Publication	Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018
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, rev. 2012
U.S. Department of Agriculture Publication	Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002
U.S. Dept of Agriculture Publication	Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ
Website	Nourish California - https://simbli.eboardsolutions.com/SU/5GeuYdUZHE4aLG3NFy4PTg
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition) - https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnYCW
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/OSxpo2rIEl2uz0BslsblorGXQ
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg

Cross References

	Description
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl11yD8g
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmazSQUQOAdlZDbzBBg
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fxAlLgcLPJYKR9w
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslshslsh7GO4WA2Z2wFHc4ng
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzkrYuucd9EFStBmQQ
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCTUNwljEfGnHx4CA
3100	Budget- https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ
3100	Budget- https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slsbw
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/52vnhtEZtk37HQDb8atpZw
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/83aLjBFLBoIAUBqRh8Lwmg
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA

3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/0BqN2JplusCipasRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SLJ/Qo9sz5aT68knWPK2vi8Djg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaegp7g==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NsIKZ3UxVB4jy5glgHITWg==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXd7oy4EQvJziZSatkag==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkZJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgNn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM4813kplusPslsh0slshSw==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplunZQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/be8UrO5tYpPBjYfPslshJ0slshgg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/YpwmK3MFpslshPeaNfGkpoQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/9slshJjOjwilKjNetopjUBtbg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPv==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLePopplusArHjplusg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbvt75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/2yjABQdVf4fFrislsho9qlzfg==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/3aQzL6ew2Hslshlwslsh02DIeYmG==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/gV15kvM64fYni0slshEytQq3A==

5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/IPi7b2rDSMZyulLH90nRA ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/ZCXkdpn0NOWtDDYWmvGMPw ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/6TCzxiJ5d2ShJyqXCj1JXQ ==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKHo40A ==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/0ZbkKwYtcu0mkph1sF9H7PNfQ ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yF_h6jSJgfA2gA ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEEQ ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g ==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWx2D0iReBezFN3aKzplusQ ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxXZslshBORslshzL7t0wPgw ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lrSChnSZTpg ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw ==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roleYXGgp5103jdK5slshG1A ==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1f7g ==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyaRaqF4w ==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B0SUJGzw ==

Policy 3553: Free And Reduced Price Meals

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Reviewed Date:** 08/23/2018

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

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

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

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

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

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

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

Confidentiality/Release of Records

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

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

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

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

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

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

The Superintendent or designee may release information on the school lunch program application to the local agency

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

Regulation 3553: Free And Reduced Price Meals

Status: ADOPTED

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

CSBA NOTE: In addition to the requirement pursuant to Education Code 49550, that all districts provide at least one nutritionally adequate meal during each school day to needy students, as defined in Education Code 49552, 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), "Universal Meals Program Questions and Answers," clarifies that districts participating in the National School Lunch and/or Breakfast Program must continue to collect meal applications, as meal counts for reimbursement purposes need to be claimed in accordance with the amount of free, reduced-price, and paid meals 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 may 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

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 Cal Fresh 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, 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 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. At least 10 days prior to the actual reduction or termination, 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

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 disclose a student's name and eligibility status from individual meal records 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, Educational Services

In 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

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.
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 at a different time.

Polley 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 References	Description
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education

5 CCR 15550-15565
 Ed. Code 48980
 Ed. Code 49430-49434
 Ed. Code 49490-49494
 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 References

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 References

California Department of Education Publication
 CSBA Publication
 CSBA Publication
 U.S. Department of Agriculture Publication
 U.S. Dept of Agriculture Publication
 Website
 Website
 Website
 Website
 Website

Cross References

School lunch and breakfast programs
 Parent/Guardian notifications
 Pupil Nutrition, Health, and Achievement Act of 2001
 School breakfast and lunch programs
 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

Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018
 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
 Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002
 Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017
 U.S. Department of Agriculture, Food and Nutrition Service - <https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==>
 Nourish California - <https://sirobli.eboardsolutions.com/SU/5GeuYdU7HE4aLG3NFy4Pig==>
 California Project LEAN (Leaders Encouraging Activity and Nutrition) - <https://sirobli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnYCw==>
 California Department of Education, Nutrition Services Division - <https://sirobli.eboardsolutions.com/SU/O5xpn2rTEL2uz0BslsblorGXQ==>
 CSBA- <https://sirobli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Description

0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1yD8g ==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rph1sph1saBQeAE4bUpZiBEB09dQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmazSQUQOAd17DbzBBg ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaLgcLPJYKR9w ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/UonRXG6LPiZiZEgvplusgAd8g ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/xf1Aslsbslsh7GO4WA2Z2wFHc4ng ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/gcCBzehrYuucd9EFStBmQQ ==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCtUNwljEfGnHx4CA ==
3100	Budget- https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1EQ ==
3100	Budget- https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw ==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/52vnhtEZtk37HQDb8atpZw ==
3250	Transportation Fees - https://simbli.eboardsolutions.com/SU/83al.jBFLBoLAUBqRh8Lwmg ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCipasRtU7nhplus2qg ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aWC2AHy6NLmMLvqBaeqp7g ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NslKZ3UxVB4jy5glgHITWg ==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4ltOEw ==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag ==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBSIIVw- ==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn61aQ ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/XKe0wQEvO2cheo7acL3BFA ==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ukhuacwucDP1t5CkuDdS3w ==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wECPnGtM4813kplusPslshl0slshSw ==

6173.1

Education For Foster Youth -

<https://simbli.eboardsolutions.com/SU/hwZQyTeELAOIrSChnSZTpg> ==

6173.1

Education For Foster Youth -

<https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw> ==

6175

Migrant Education Program -

<https://simbli.eboardsolutions.com/SU/roleYXGgp5103jdKSslshG1A> ==

6175

Migrant Education Program -

<https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g> ==

6176

Weekend/Saturday Classes -

<https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyaRaqF4w> ==

6177

Summer Learning Programs -

<https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B0SUJGzw> ==

Regulation 3553: Free And Reduced Price Meals

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Reviewed Date:** 08/23/2018

Applications

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

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)

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

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

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

Eligibility

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

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

Verification of Eligibility

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

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

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

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

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

Confidentiality/Release of Records

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

Assistant Superintendent, Educational Services

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

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law.
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 free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

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

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

Prices

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

Regulation 4112.2: Certification

Status: ADOPTED

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

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 CTC's web site. For all other certificated staff, the district must obtain verification of its employees' certification through 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 CTC is processing the application if the individual holds a temporary certificate issued by a district with over 10,000 ADA or the COE, indicating that the individual has passed the state assessment of teachers' basic skills and completed a criminal record check. Education Code 44332, 44332.5, and 44332.6 require the district or COE, prior to issuing a temporary certificate, to obtain a certificate of clearance (fingerprint clearance) from CTC to satisfy the criminal record check requirement.

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification 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 CTC have met the basic skills proficiency requirement as a condition of obtaining the credential.

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 the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of 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 CTC unless 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, 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 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 internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an 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 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 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 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 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 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 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 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 COE, neighboring districts, colleges and universities, or private companies. 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 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 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 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 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 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 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 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 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:

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 CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year 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 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)

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 References

5 CCR 80001-80674.6
Ed. Code 32340-32341
Ed. Code 35186
Ed. Code 44066
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Ed. Code 44250-44277
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Ed. Code 44420-44440
Ed. Code 44450-44468
Ed. Code 44830-44929
Ed. Code 56060-56063
Ed. Code 8295-8305

Description

Commission on Teacher Credentialing
Unlawful issuance of a credential
Complaints regarding teacher vacancy or misassignment
Limitations on certification requirements
Teacher credentialing
Credentials and assignment of teachers
Emergency permit
District interns
Certificates and credentials
Revocation and suspension of credentials
University internship program
Employment of certificated persons; requirement of proficiency in basic skills
Substitute teachers in special education
Child development program personnel qualifications

Federal References

20 USC 6312

Description

Title I local educational agency plans; notifications regarding teacher qualifications

Management Resources References

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

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Publication

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Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013

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California Standards for the Teaching Profession (CSTP), 2009

CL-667 Basic Skills Requirement

CL-856 Provisional Internship Permit

CL-858 Short-Term Staff Permit

Subject Matter Authorization Guideline Book, December 2019

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Regulation 4112.2: Certification

Status: ADOPTED

Original Adopted Date: 02/01/2018 | **Last Reviewed Date:** 02/01/2018

Verification of Credentials

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)

The Superintendent or designee shall verify that any person who is employed by the district while his/her 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

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)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if he/she has not yet been afforded the opportunity to take the test, provided that he/she takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of his/her 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 has completed a basic skills proficiency test in another state 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)

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

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 program
4. Inability of the applicant to enroll in an approved intern program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an intern program or the applicant's withdrawal from an intern 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

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

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 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 Board of Education 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 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.

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

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

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 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

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, 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 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 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:

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, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve 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)

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)

Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

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

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 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.

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. 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)

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. The care 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 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 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. 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. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin 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 POL 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 POL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, POL 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 POL 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: 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 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. (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.

OPTION 1: ~~The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

OPTION 2: ~~The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: ~~The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)~~

CSBA NOTE: 2 CCR 11042 clarifies that the four months of POL 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, POL 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 POL 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, POL 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 POL, 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.

POL 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 POL, 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: 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 POL. 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 POL, unless mutually agreed to by the district and the employee.

OPTION 1: 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 POL, 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)

OPTION 2: During any otherwise unpaid period of POL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or POL, the employee may also elect to use accrued sick leave during the period of leave. (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

POL 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 POL 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 POL 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 POL is required to provide the district at least 30 days advance notice if the need for POL is foreseeable.

When an employee is able to foresee the need for POL 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)

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 POL. 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 POL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for POL, or within two business days of giving the notice. If the need for POL 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 POL 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 POL 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 POL.

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 POL 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 POL 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.

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, 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, 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 country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

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, 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, 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 country 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.

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 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

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, a veteran's injury or illness 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 Fair Employment and Housing Act/PDL and FMLA/CFRA and 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

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 #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, 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

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 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 References

	Description
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
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

Federal References

	Description
1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/zna4bZkEoCQSILKxeKqGw--
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 References

	Description
Court Decision	Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
October 27, 2022 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

Website

U.S. Department of Labor, FMLA -

<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw> ==

Website

California Department of Fair Employment and Housing -

<https://simbli.eboardsolutions.com/SU/RRvNseNogmlMLyl8K40jw> ==

Cross References

Description

0410

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ> ==

0470

COVID-19 Mitigation Plan -

<https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g> ==

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/tuHLSJjVCQJcBx3R13Hfw> ==

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRIR1fw> ==

1113-E(1)

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/iSTLslsh83D1nplusoytHTIsM6ew> ==

2121

Superintendent's Contract -

<https://simbli.eboardsolutions.com/SU/fcslsb1ixO2EdCt2pz2NabYqA> ==

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/z8saAb1i2vjlsishyJNjIXOrA> ==

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHiilzg> ==

4032

Reasonable Accommodation -

<https://simbli.eboardsolutions.com/SU/DZueVklusHoNslsh53DXislsbi6mLw> ==

4033

Lactation Accommodation -

<https://simbli.eboardsolutions.com/SU/mBwCbA6CkbZzwsishCYfb2JvQ> ==

4112.2

Certification -

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4112.2

Certification -

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4112.4

Health Examinations -

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4112.42

Drug And Alcohol Testing For School Bus Drivers -

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Drug And Alcohol Testing For School Bus Drivers -

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4112.9

Employee Notifications -

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4112.9-E PDF(1)

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4113.4

Temporary Modified/Light-Duty Assignment -

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4117.3

Personnel Reduction -

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4141

Collective Bargaining Agreement -

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Health And Welfare Benefits -

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4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZi9utk7g ==
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4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w ==
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4313.4	Temporary Modified/Light-Duty Assignment - https://simbli_eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg	==
4354	Health And Welfare Benefits - https://simbli_eboardsolutions.com/SU/6BM2ylUYAw67FplusFDpsplusINA	==
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4359	Employee Assistance Programs - https://simbli_eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ	==
4361	Leaves - https://simbli_eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ	==
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Regulation 4261.8: Family Care And Medical Leave

Status: ADOPTED

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

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 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.

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. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR

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. The care 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 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 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. 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)

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. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin 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: 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 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. (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.

OPTION 1: ~~The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

OPTION 2: ~~The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: ~~The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)~~

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: 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.

OPTION 1: 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)

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (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.

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, 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, 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 country 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.

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 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

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, a veteran's injury or illness 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 Fair Employment and Housing Act/PDL and FMLA/CFRA and 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

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 #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, 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

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 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 References

2 CCR 11035-11051

2 CCR 11087-11098

Ed. Code 44965

Fam. Code 297-297.5

Fam. Code 300

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2

Gov. Code 12945.6

Gov. Code 12946

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -

<https://simblyboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -

<https://simblyboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth

Rights, protections, benefits under the law; registered domestic partners

Definition of marriage

Definitions

Unlawful discriminatory employment practices

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

California Family Rights Act

Parental leave

Fair employment and Housing Act: discrimination prohibited

Federal References

1 USC 7

29 CFR 825.100-825.702

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Description

Definition of marriage and spouse -

<https://simblyboardsolutions.com/SU/zna4bZkEoCQSILKxeKqGw-->

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Court Decision

Description

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

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

Website

U.S. Department of Labor, FMLA -

<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw> ==

Website

California Department of Fair Employment and Housing -

<https://simbli.eboardsolutions.com/SU/RRvNseNogmlMLyl8K40jw> ==

Cross References

Description

0410

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ> ==

0470

COVID-19 Mitigation Plan -

<https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g> ==

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/tuHLSJjVCQJcBx3R13Hfw> ==

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/ZEOw4ZKHcT3nfqLxRIR1fw> ==

1113-E(1)

District And School Web Sites -

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2121

Superintendent's Contract -

<https://simbli.eboardsolutions.com/SU/fcslsb1ixO2EdCt2pz2NabYqA> ==

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/z8saAb1i2vjlsishyJNjIXOrA> ==

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHiilzg> ==

4032

Reasonable Accommodation -

<https://simbli.eboardsolutions.com/SU/DZueVklusHoNslsh53DXislsbi6mLw> ==

4033

Lactation Accommodation -

<https://simbli.eboardsolutions.com/SU/mBwCbA6CkbZwslshCYfb2JvQ> ==

4112.2

Certification -

<https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg> ==

4112.2

Certification -

<https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaASVjOFaFlw> ==

4112.4

Health Examinations -

<https://simbli.eboardsolutions.com/SU/slLMslshxU2YOPYoMMU2U7w> ==

4112.42

Drug And Alcohol Testing For School Bus Drivers -

<https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPZplusoEf81LQ> ==

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Drug And Alcohol Testing For School Bus Drivers -

<https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOkrYP8gpluag> ==

4112.9

Employee Notifications -

<https://simbli.eboardsolutions.com/SU/lzO16slshnrcwplusn8LplusKslshvsfw> ==

4112.9-E PDF(1)

Employee Notifications -

<https://simbli.eboardsolutions.com/SU/BjEd40hv6bJflro1KsHpQQ> ==

4113.4

Temporary Modified/Light-Duty Assignment -

<https://simbli.eboardsolutions.com/SU/slshxjrQ1xiXlplus25scrSNJUg> ==

4117.3

Personnel Reduction -

<https://simbli.eboardsolutions.com/SU/42Hj6RreDPO0Nvlww41j4g> ==

4141

Collective Bargaining Agreement -

<https://simbli.eboardsolutions.com/SU/wSbphisNslshzmwtp8Du1J7fxoGg> ==

Health And Welfare Benefits -

<https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4m> ==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslsbqslsbiKqtJJUX7vSq ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw ==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw- ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/Kzco4u58yiplus7nknYGxazpw ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiwSkZIComkqEEHCuVAIA ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgITxWzNHPacaieY2R44UQ ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocLSPi6rr10dMw ==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w ==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/sq9gotN KCSav6ieplusWoePKA ==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A11Tc07Dplusq5qXGSvtT8tew ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4JOiqDWVdL30krzA ==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ ==
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4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/plusoUkP9SoSAHHJbM Kt2vPQ ==
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4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw ==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgYEOgA ==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli_eboardsolutions.com/SU/GVplusn4gQA31_Kplus4knVTn0OUw	==
4312.9	Employee Notifications - https://simbli_eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q	==
4312.9-E PDF(1)	Employee Notifications - https://simbli_eboardsolutions.com/SU/LslshgslsbO22fRVoPUuUergz7w	==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli_eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg	==
4354	Health And Welfare Benefits - https://simbli_eboardsolutions.com/SU/6BM2yIUYAw67FplusFDpsplusINA	==
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4359	Employee Assistance Programs - https://simbli_eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ	==
4361	Leaves - https://simbli_eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ	==
4361	Leaves - https://simbli_eboardsolutions.com/SU/m93RQnCPIyUeeeBo4hULBQ	==
4361.1	Personal Illness/Injury Leave - https://simbli_eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA-	==
4361.2	Personal Leaves - https://simbli_eboardsolutions.com/SU/TDKNltBccHR4plusREe5i0rA	==
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Regulation 4361.8: Family Care And Medical Leave

Status: ADOPTED

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

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 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.

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. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR

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. The care 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 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 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. 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)

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. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin 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: 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 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. (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.

~~OPTION 1: The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

~~OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

~~OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)~~

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: 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.

OPTION 1: 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)

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (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.

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, 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, 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 country 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.

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 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

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, a veteran's injury or illness 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 Fair Employment and Housing Act/PDL and FMLA/CFRA and 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

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 #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, 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

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 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 References

	Description
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth and related medical conditions - https://simblyboardsolutions.com/SU/GplusgYNhBplus6blimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simblyboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
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

Federal References

	Description
1 USC 7	Definition of marriage and spouse - https://simblyboardsolutions.com/SU/zna14bZkEoCQSILKxeKqGw--
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 References

	Description
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

U.S. Department of Labor Publication

Website

Website

United States v. Windsor, (2013) 699 F.3d 169

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

U.S. Department of Labor, FMLA -

<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw> ==

California Department of Fair Employment and Housing -

<https://simbli.eboardsolutions.com/SU/RRvNseNogmlMLyl8K40jw> ==

Cross References

0410

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ> ==

0470

COVID-19 Mitigation Plan -

<https://simbli.eboardsolutions.com/SU/UonRXG6LPiZi7EgyplusqAd8g> ==

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/tuHLSJjVCQJcBx3R13Hfw> ==

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District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRIR1fw> ==

1113-E(1)

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/iSTLslsh83D1nplusoYtHTIsM6ew> ==

2121

Superintendent's Contract -

<https://simbli.eboardsolutions.com/SU/fcslsb1ixO2EdCt2pz2NabYqA> ==

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/z8saAb1i2vjlsShyJNjIXOrA> ==

4030

Nondiscrimination In Employment -

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4032

Reasonable Accommodation -

<https://simbli.eboardsolutions.com/SU/DZueVkplusHoNslsh53DXislsbi6mLw> ==

4033

Lactation Accommodation -

<https://simbli.eboardsolutions.com/SU/mBwCbA6CkbzZwslshCYfb2JvQ> ==

4112.2

Certification -

<https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg> ==

4112.2

Certification -

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4112.4

Health Examinations -

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4112.42

Drug And Alcohol Testing For School Bus Drivers -

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Drug And Alcohol Testing For School Bus Drivers -

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4112.9

Employee Notifications -

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Employee Notifications -

<https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfiro1KsHpQQ> ==

4113.4

Temporary Modified/Light-Duty Assignment -

<https://simbli.eboardsolutions.com/SU/slshxjrQ1xiXlplus25crkSNJUg> ==

4117.3

Personnel Reduction -

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4141

Collective Bargaining Agreement -

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Health And Welfare Benefits -

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4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMqObslsbqslsbiKqtJJUX7vSq ==
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4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/Kzco4u58yiplus7nknYGxazpw ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/BTEFJvZiOBplus6SWmBBKtR6w ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/wpNf7hlkepJRy32hChSplus3g ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiwSkZIComkqEEHCuAIA ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocLSPI6rr10dMw ==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/EJKpCtBBQ0plusCkHrwgQkplus8w ==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/sq9gotN KCSav6ieplusWoePKA ==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HiIDt0mq6toKw0vAGRcktA ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A11Tc07Dplusq5qXGSvtT8tew ==
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4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbma ==
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4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/71GWMkFdeFkQBbHk7qxzig ==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/plusoUkP9SoSAHHJbMkt2vPQ ==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/XaDfarslsbi31XF2rlnR8Mq0Q ==
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4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSqKJ7TuV2j8Xw ==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1B1ZbUtFWHVgyEOgA ==

4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli_eboardsolutions.com/SU/GVplusn4gQA31_Kplus4knVTn0OUw	==
4312.9	Employee Notifications - https://simbli_eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q	==
4312.9-E PDF(1)	Employee Notifications - https://simbli_eboardsolutions.com/SU/LslshgslsbO22fRVopUpuUergz7w	==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli_eboardsolutions.com/SU/h5utOK43t9JhsHtXAGV7Gg	==
4354	Health And Welfare Benefits - https://simbli_eboardsolutions.com/SU/6BM2ylUYAw67FplusFDpsplusINA	==
4354	Health And Welfare Benefits - https://simbli_eboardsolutions.com/SU/rplsmwwwksFJslufmMFbAX0vQ	==
4359	Employee Assistance Programs - https://simbli_eboardsolutions.com/SU/TKcq760n9RZaplusNRYWW1VUQ	==
4361	Leaves - https://simbli_eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ	==
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4361.1	Personal Illness/Injury Leave - https://simbli_eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshr15oA-	==
4361.2	Personal Leaves - https://simbli_eboardsolutions.com/SU/TDKNIltBccHR4plusREe5i0rA	==
4361.9	Catastrophic Leave Program - https://simbli_eboardsolutions.com/SU/cX8w9EvJ4JHXiwxYWyQ4qA	==
4361.9	Catastrophic Leave Program - https://simbli_eboardsolutions.com/SU/la3YVHiplusFMTKplus4EgUYZ3ow	==

Regulation 6173.1: Education For Foster Youth

Status: ADOPTED

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

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 is the subject of a petition filed pursuant to Welfare and Institutions Code 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 pursuant to Welfare and Institutions Code 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.
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 the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which 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 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 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 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. 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

Jthat 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)

Coordinator of Marshall Family Resource Center (MFRC)

2100 J Street

Eureka, CA 95501

(707) 441-2516

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."

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)

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.

3. Notify a foster youth's attorney and the representative of the appropriate county child welfare agency, when 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. (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.

4. 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
5. 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
6. 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

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.

7. 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.

8. 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, as well as additional duties outside of the foster youth program, to ensure that adequate time and resources are 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 interests of the student to be placed in another education program and submits a written statement to the district indicating that determination and 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 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 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 the right to continue in 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 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 the school of origin through graduation.

- d. If the student is transitioning between school grade levels, the student shall be allowed to continue in

the district in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of school 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 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 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)

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 #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 enrollment, the district must take steps, after the foster youth is enrolled, to obtain the immunization records or ensure that 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 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, regardless of whether the foster youth: (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, an appeal 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 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, 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.

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 the school of origin, for the duration of the time spent in foster care, when it is in 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 grades shall be calculated as of the date 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 entire course 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. 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, the foster youth shall be enrolled in the same or equivalent course, if applicable, 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 the second year of high school transfers into the district from another school district or transfers between high schools within the district, 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 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 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 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 school enrollment, whichever qualifies 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 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 shall not grant any request 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 still enrolled in school or if 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 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 the foster youth of the option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect 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 under 18 years of age, the person holding the right to make educational decisions for 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 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 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 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 References

5 CCR 4600-4670

Ed. Code 32228-32228.5

Ed. Code 42238.01-42238.07

Ed. Code 42920-42925

Ed. Code 48645-48646

Ed. Code 48850-48859

Ed. Code 48915.5

Ed. Code 48918.1

Ed. Code 49061

Ed. Code 49069.5

Ed. Code 49076

Ed. Code 51225.1

Ed. Code 51225.2

Ed. Code 51225.3

Ed. Code 52060-52077

Ed. Code 56055

H&S Code 120341

H&S Code 1522.41

H&S Code 1529.2

W&I Code 16000-16014

W&I Code 300

W&I Code 309

W&I Code 317

W&I Code 361

W&I Code 366.27

W&I Code 602

W&I Code 726

W&I Code 727

Description

Uniform complaint procedures

Student safety and violence prevention

Local control funding formula

Foster children educational services

Juvenile court schools

Education of foster youth and homeless students

Recommended expulsion; homeless student with disabilities

Notice of recommended expulsion

Definitions, directory information

Students in foster care; grades and credits

Access to student records

Exemption from district graduation requirements

Course credits

High school graduation

Local control and accountability plan

Rights of foster parents pertaining to foster child's education

Foster youth; school placement and immunization records

Training and certification of group home administrators

Training of licensed foster parents

Foster care placement

Minors subject to jurisdiction

Investigation and release of child

Appointment of legal counsel

Limitations on parental control

Educational decision by relative providing living arrangements

Minors violating law; ward of court

Limitations on parental control

Order of care; ward of court

Federal References

20 USC 1415

Description

Procedural safeguards

20 USC 6311

29 USC 794

42 USC 11431-11435

42 USC 670-679b

Management Resources References

Alliance for Children's Rights Publication

California Child Welfare Council Publication

Cities, Counties and Schools Partnership Pub.

CSBA Publication

CSBA Publication

U.S. Department of Education Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Cross References

0200

0410

0415

0450

0450

0460

0460

October 27, 2022

State plan

Rehabilitation Act of 1973; Section 504

McKinney-Vento Homeless Assistance Act

Federal assistance for foster care programs

Description

Foster Youth Education Toolkit, December 2016

Partial Credit Model Policy and Practice Recommendations

Our Children: Emancipating Foster Youth, A Community Action Guide

Our Foster Youth: What School Boards Can Do, May 2016

Foster Youth: Supports for Success, Governance Brief, May 2016

Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016

Alliance for Children's Rights -
<https://simbli.eboardsolutions.com/SU/AslshID5EbeFAQXuxyslshDHYfTg==>

Foster Ed -
<https://simbli.eboardsolutions.com/SU/361CSWMizEGQ200YRkL2Lw==>

National Center for Youth Law -
<https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==>

California Department of Education, Foster Youth Services -
<https://simbli.eboardsolutions.com/SU/R0UWcbkrRcgV9asNsishPZxnQ==>

California Department of Social Services, Foster Youth Ombudsman Office -
<https://simbli.eboardsolutions.com/SU/L9RgolMbh4Z3K9vdKFUJ0A==>

California Foster Youth Education Task Force -
<https://simbli.eboardsolutions.com/SU/XrG7Kxmibs5cwWnsme2Pcg==>

California Youth Connection -
<https://simbli.eboardsolutions.com/SU/a11cPCjxh5QKjXBbA1VSplusQ==>

Cities Counties and Schools Partnership -
<https://simbli.eboardsolutions.com/SU/vkMU6AgLdg2x1CfasX4n3w==>

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

California Child Welfare Council -
<https://simbli.eboardsolutions.com/SU/8BOINMN9mtFkcAjmEbYOgA==>

Description

Goals For The School District -
<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO2isl11yD8g==>

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>

Equity -
<https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBQP13Jplus7cw==>

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==>

Comprehensive Safety Plan -
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9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/V0cKfotklMiw5r0OyNix2A==

Regulation 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 05/03/2018 | **Last Reviewed Date:** 05/03/2018

Definitions

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, 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 Welfare and Institutions Code 300 or 602 or is 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)

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 was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is another school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine which school is 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)

Best interest 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

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Coordinator of Marshall Family Resource Center (MFRC)
2100 J Street
Eureka, CA 95501
(707) 441-2516

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)
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)

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)

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination 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)
4. 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

5. 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
6. 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
7. 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 services for the district's foster youth
8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Board of Education based on indicators identified in the district's local control and accountability plan

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available 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.
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 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 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 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.
3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
 - 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 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 school of origin until he/she graduates.
 - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. 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 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 youth, recommend that the youth's right to attend the school of origin be waived and he/she 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 school of origin, the liaison shall provide the 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)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

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 youth would be served by his/her 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 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

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 appeal to 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 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 youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

Transportation

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 foster youth to remain in their school of origin, for the duration of their time in foster care, when it is in their 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 left school
2. A verified court appearance or related court-ordered activity

Transfer of Coursework and Credits

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 shall be issued partial credit for the coursework completed and shall be required to take the 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 shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

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

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 second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she 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 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, 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, 60851)

To determine whether a foster youth is in his/her 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 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 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 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. (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 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 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 option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her 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, permit the foster youth to stay in school for a fifth year to complete the district's graduation requirements

Eligibility for Extracurricular 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

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)

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)
