

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

Regular Meeting

6:30 PM

August 29, 2024

AGENDA

A. CALL TO ORDER OF OPEN SESSION (5:30 p.m.)

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

C. CLOSED SESSION (Room 118)

- (1) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. J(11)
- (2) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. J(11)
- (3) Conference with Labor Negotiator Superintendent Storts Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- (4) Public Employee Discipline, Dismissal, Release, Complaint, Accept the Resignation of a Public Employee (GC § 54957)
- (5) Conference with Real Property Negotiator Superintendent Storts Regarding 674 Allard Avenue (Former Jacobs Middle School) Property Concerning Price and/or Terms of Payment (Negotiating Parties: California Highway Patrol) (GC § 54956.8)
- (6) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Receipt of Claim Pursuant to Government Claims Act Filed on August 12, 2024 (Government Code 54956.9(e)(3).) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: John Doe v ECS, Claim No. 635426, one potential case.

D. RECONVENING OF OPEN SESSION

E. REPORT OUT FROM CLOSED SESSION

F. PLEDGE OF ALLEGIANCE TO THE FLAG - Winzler Children's Center

G. 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

H. INFORMATION

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

I. 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)).

J. CONSENT CALENDAR

- (11) Approval of Personnel Action Report No. 2

Referred to the Board by:

Renae Will, Executive Director of Personnel Services and Public Affairs

- (12) Approval and Adoption of the School Calendar for the 2025-2026 School Year

Referred to the Board by:

Renae Will, Executive Director of Personnel Services and Public Affairs

- (13) Approval of Resolution #24-25-003, Revised Date for Observance of Abraham Lincoln's Birthday on the 2025-2026 School Calendar

Referred to the Board by:

Renae Will, Executive Director of Personnel Services and Public Affairs

- (14) Approval of Minutes from the Regular Meeting on August 8, 2024

Referred to the Board by:

Gary Storts, Superintendent

- (15) Approval of MOU Between the Regents of the University of California on Behalf of its UC Cooperative Extension Humboldt County Expanded Food Nutrition Education Program and Eureka City Schools

Referred to the Board by:

Gary Storts, Superintendent

- (16) Approval of 2024-2025 Designation of California Interscholastic Federation (CIF) Representatives to League

Referred to the Board by:

Gary Storts, Superintendent

- (17) Approval of July 2024 Warrants

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (18) Approval of Change Order No. 1: EHS Albee Stadium/Bud Cloney Project

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (19) Approval of Resolution #24-25-002; Declaring the Futility of Public Bidding for the Additional Alterations to the Science Building C Work at Eureka High School, and Approving a Change Order for that Work
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (20) Approval of Memorandum of Understanding Between Humboldt County Office of Education (HCOE), Cal Poly Humboldt and Eureka City Schools (ECS) for Teacher Residency Program
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (21) Approval of Memorandum of Understanding Between Independent Consultants for the Gashaw Group and True North and Eureka City Schools Regarding Curriculum Development for Belong Circles
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (22) Approval of the Memorandum of Understanding (MOU) Between Big Brothers Big Sisters of the North Coast and Eureka City Schools
Referred to the Board by:
Jennifer Johnson, Assistant Superintendent of Educational Services

K. DISCUSSION/ACTION

- (23) Revised Annual Declaration of Need for Teachers with Emergency Permits and Limited Assignment Permits
Referred to the Board by:
Renae Will, Executive Director of Personnel Services and Public Affairs
- (24) Hiring a Speech Language Pathologist on a Variable Term Waiver
Referred to the Board by:
Renae Will, Executive Director of Personnel Services and Public Affairs
- (25) Review and Possible Approval of the Governing Board's Proposed Response to the 2023-2024 Humboldt County Civil Grand Jury Report (published June 12, 2024)
Referred to the Board by:
Gary Storts, Superintendent

L. DISCUSSION

- (26) Jacobs Property Update and Options
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (27) Policy Updates from CSBA for March 2024 (First Review)
Referred to the Board by:
Gary Storts, Superintendent
- (28) Wellness Plan Triennial Report

Referred to the Board by:

Lisa Claussen, Director of Student Services

M. CLOSED SESSION (continued)

N. RECONVENING OF OPEN SESSION (continued)

O. REPORT OUT FROM CLOSED SESSION (continued)

P. INFORMATIONAL ONLY ITEMS

Q. 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.

Notice: Students and parents/guardians may request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The request must be made in writing to the Secretary or Clerk of the Board.

AGENDA ITEM

Agenda Title: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Receipt of Claim Pursuant to Government Claims Act Filed on August 12, 2024 (Government Code 54956.9(e)(3).) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: John Doe v ECS, Claim No. 635426, one potential case.

Meeting Date: August 29, 2024

Item:

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

Closed Session: Attachment

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

STRATEGIC PLAN/PRIORITY AREA:

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

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

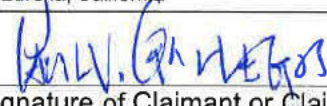
WHO *(list the name of the contact person(s), job title, and site location)*

ATTACHMENTS:

Description

- Redacted Claim for Closed Session



1. School District: Eureka City Elementary	
Address: 717 Creighton Street, Eureka, CA 95501	
2. Claimant's Name: [REDACTED]	
Claimant's Address: [REDACTED]	
City, State, Zip: [REDACTED]	
Day Phone: [REDACTED]	Evening Phone:
3. When did the damage or injury occur?	
Month February	Date 28
Year 2024	Time 2:40
A.M.	P.M. <input checked="" type="checkbox"/>
4. Location at which the accident or injury occurred:	
Winzler Children's Center	
Police Department and Report #: Eureka Police Department, Report # currently unknown	
5. What happened and why is the District responsible:	
Please see Attachment 1	
Name and position of responsible District Employee(s), if known:	
[REDACTED]	
6. What damage or injury occurred?	
Please see Attachment 1	
7. Claim Amount (only if less than \$10,000.00): \$ Superior Court of California, County of Humboldt	
If the amount exceeds \$10,000.00, please mark (X) the court of appropriate jurisdiction:	
<input type="checkbox"/> Municipal or Justice Court (Claims up to \$25,000.00)	
<input checked="" type="checkbox"/> Superior Court (Claims over \$25,000.00)	
8. How did you arrive at the amount claimed? Please attach documentation.	
9. I declare under penalty of perjury under the laws of the State of California that the information presented is true and correct, and that this declaration was executed on August 12, 2024, at Eureka, California.	
	
Signature of Claimant or Claimant's Representative	
10. Official Notices and Correspondence:	
If represented by an attorney or insurance company, please provide the following information:	
Name and Capacity: Paul V. Gallegos, Gallegos Law Firm	
Address: 931 Third Street	
City, State, Zip: Eureka, CA 95501	
Day Phone: (707)441-8477	Evening Phone: (707)845-1062
This space for District use	
NOTICE: Section 72 of the California Penal Code provides that: "Every person who, with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment."	

ATTACHMENT 1 (JPA-23)

At and around 2:40 p.m., on February 28, 2024, [REDACTED], a [REDACTED]-year-old special needs student, (hereafter referred to as [REDACTED]) was in [REDACTED] of the Winzler Children's Center (hereafter referred to as "Winzler"). [REDACTED], a 31-year-old Early Education Assistant at Winzler, (hereafter referred to as [REDACTED]) approached [REDACTED] and grabbed [REDACTED] under [REDACTED] armpits and threw [REDACTED] across the room and into the wall of the classroom. After [REDACTED] struck the wall and collapsed on the floor of the classroom, [REDACTED] jerked [REDACTED] up, yelled at [REDACTED] and demanded that [REDACTED] apologize. All of the above did cause [REDACTED] to be hurt and injured in his health, strength, and activity and to sustain injury to [REDACTED] body and shock and injury to [REDACTED] nervous system all of which injuries caused, and continue to cause, [REDACTED] great mental, physical, and nervous pain and suffering all of which may result in a permanent disability to [REDACTED] in the future. As a result of such injuries, [REDACTED] has suffered general damages and has incurred and will incur medical and related expenses in the future.

The above was witnessed by [REDACTED] (hereafter referred to as [REDACTED]) who promptly reported [REDACTED]'s actions to [REDACTED], Director of Early Childhood Development and SPED, at Winzler (hereafter referred to as [REDACTED]). [REDACTED] described what she had observed to [REDACTED] and explained to [REDACTED] that at 2:25 p.m., she observed [REDACTED] aggressively approach [REDACTED], yell [REDACTED] name and grab [REDACTED] and throw [REDACTED] across the room into the classroom wall. She described further to [REDACTED] that after throwing [REDACTED] across the room and into the wall [REDACTED] grabbed [REDACTED] and held [REDACTED] body in restraint and yelled at [REDACTED] that he needed to apologize. [REDACTED] described [REDACTED] as crying hysterically as a result of [REDACTED] actions. [REDACTED] claimed that she was so shocked by what she observed that she thought she was going to faint and was breathing hard.

Despite being advised of [REDACTED] actions, [REDACTED] failed to take any action to assess and/or determine whether [REDACTED] required any medical treatment or to seek any medical treatment for [REDACTED]. [REDACTED] also failed to notify [REDACTED] and [REDACTED], [REDACTED] parents, of [REDACTED] actions and the resulting injury to [REDACTED] until that evening. [REDACTED] a mandated reporter under California Penal Code section 11165.7, also failed to file a Suspected Child Abuse Report (hereafter referred to as "SCAR") until the following day. A true and correct copy of that SCAR report is attached hereto as **Exhibit 1** and incorporated by reference as if fully stated again herein.

As a direct and proximate cause of [REDACTED] acts [REDACTED] and [REDACTED] and [REDACTED] were hurt and injured in their health, strength, and activity and sustained injury to their bodies and shock and injury to their nervous systems all of which injuries caused, and continue to cause, them great mental, physical, and nervous pain and suffering all of which may result in a permanent disability to them in the future. As a result of such injuries, they have suffered general damages and have incurred and will incur medical and related expenses in the future.

As a direct and proximate result of [REDACTED] acts and/or failure to act, [REDACTED] and [REDACTED] and [REDACTED] were hurt and injured in their health, strength, and activity and sustained injury to their body and shock and injury to their nervous systems all of which injuries caused, and continue to cause, them great mental, physical, and nervous pain and suffering. As a result of such injuries,

they have both suffered general damages and have incurred and/or will incur medical and related expenses in the future.

Both [REDACTED] and [REDACTED] at all times mentioned above, were agents and employees of Eureka City Elementary School District and were at all times acting within the purpose and scope of such agency and employment.

The Eureka City Elementary School District, [REDACTED] and [REDACTED], and each of them, had a duty at all times to supervise the conduct of Eureka City Elementary School District employees and students and to enforce those rules and regulations necessary for the protection of the students and to exercise ordinary care to protect students from the type of attack described above.

Eureka City Elementary School District and [REDACTED] and each of them, were negligent and careless in that they failed to exercise ordinary care in supervising the conduct of [REDACTED] so as to prevent the type of attack herein alleged. Prior to occurrence of the injuries herein alleged, Eureka City Elementary School District and [REDACTED] had actual and constructive notice of [REDACTED] propensity toward violence against students that such conduct on the part of [REDACTED] was likely to occur again, in the absence of adequate supervision; and they were negligent and careless in that having such knowledge they nevertheless failed to use ordinary care in the supervision of [REDACTED] and failed to provide adequate supervision or any supervision over [REDACTED] at all.

As such Eureka City Elementary School District is liable for injuries actually and proximately caused by [REDACTED] and [REDACTED] pursuant to California Government Code section 815.2.



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

To Be Completed by Mandated Child Abuse Reporters
PLEASE PRINT OR TYPE

CASE NAME: _____
CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER [REDACTED]		TITLE Director		MANDATED REPORTER CATEGORY Child	
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS 719 Crieghton St. Eureka 95501				DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	REPORTER'S TELEPHONE (DAYTIME) 707 362-0966		SIGNATURE <i>[Signature]</i>		TODAY'S DATE 2/29/24	
B. REPORT NOTIFICATION	<input checked="" type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		<input checked="" type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)			
	AGENCY Eureka City Schools		ADDRESS 825 5th St		DATE/TIME OF PHONE CALL 9:35am	
	OFFICIAL CONTACTED - NAME AND TITLE Tamara Rogers		City Eureka		Zip 95501	
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE) [REDACTED]		BIRTHDATE OR APPROX. AGE [REDACTED]		SEX [REDACTED]	
	ADDRESS [REDACTED]		City [REDACTED]		Zip [REDACTED]	
	PRESENT LOCATION OF VICTIM Home		SCHOOL Winzler Children's Center		GRADE PK	
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY) [REDACTED]	
	IN FOSTER CARE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input checked="" type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME		TYPE OF ABUSE (CHECK ONE OR MORE): <input checked="" type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) [REDACTED]	
	RELATIONSHIP TO SUSPECT [REDACTED]		PHOTOS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
	VICTIM'S SIBLINGS		NAME		BIRTHDATE	
D. INVOLVED PARTIES	NAME (LAST, FIRST, MIDDLE) [REDACTED]		BIRTHDATE OR APPROX. AGE [REDACTED]		SEX [REDACTED]	
	ADDRESS [REDACTED]		City [REDACTED]		Zip [REDACTED]	
	HOME PHONE [REDACTED]		BUSINESS PHONE [REDACTED]			
	NAME (LAST, FIRST, MIDDLE) [REDACTED]		BIRTHDATE OR APPROX. AGE [REDACTED]		SEX [REDACTED]	
	ADDRESS [REDACTED]		City [REDACTED]		Zip [REDACTED]	
	HOME PHONE [REDACTED]		BUSINESS PHONE [REDACTED]			
SUSPECT	SUSPECT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]		BIRTHDATE OR APPROX. AGE 31		SEX F	
	ADDRESS [REDACTED]		City [REDACTED]		Zip [REDACTED]	
OTHER RELEVANT INFORMATION Early Education Assistant at Winzler		TELEPHONE [REDACTED]				
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER:					
	DATE/TIME OF INCIDENT 2/28/24 2:40pm		PLACE OF INCIDENT Winzler Children's Center			
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect) The witness [REDACTED] to the incident reported that [REDACTED] intervened in a loud voice between [REDACTED] and another child, grabbed [REDACTED] and picked [REDACTED] up throwing [REDACTED] body [REDACTED] back hit the floor and [REDACTED] was crying. She preceded to hold [REDACTED] restraining [REDACTED]					

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.

UNUSUAL INCIDENT/INJURY REPORT

INSTRUCTIONS : NOTIFY LICENSING AGENCY, PLACEMENT AGENCY AND RESPONSIBLE PERSONS, IF ANY, BY NEXT WORKING DAY.

SUBMIT WRITTEN REPORT WITHIN 7 DAYS OF OCCURRENCE.

RETAIN COPY OF REPORT IN CLIENT'S FILE.

NAME OF FACILITY Winzler Children's Center	FACILITY FILE NUMBER 123009260	TELEPHONE NUMBER (707) 441-2498
ADDRESS 719 Creighton St.	CITY, STATE, ZIP Eureka, Ca, 95521	

CLIENTS/RESIDENTS INVOLVED	DATE OCCURRED	AGE	SEX	DATE OF ADMISSION
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

TYPE OF INCIDENT				
Unauthorized Absence	Alleged Client Abuse	Rape	Injury-Accident	Medical Emergency
Aggressive Act/Self	Sexual	Pregnancy	<input checked="" type="checkbox"/> Injury-Unknown Origin	Other Sexual Incident
Aggressive Act/Another Client	<input checked="" type="checkbox"/> Physical	Suicide Attempt	Injury-From another Client	Theft
<input checked="" type="checkbox"/> Aggressive Act/Staff	Psychological	Other	<input checked="" type="checkbox"/> Injury-From behavior episode	Fire
Aggressive Act/Family, Visitors	Financial		Epidemic Outbreak	Property Damage
Alleged Violation of Rights	Neglect		Hospitalization	Other (explain)

DESCRIBE EVENT OR INCIDENT (INCLUDE DATE, TIME, LOCATION, PERPETRATOR, NATURE OF INCIDENT, ANY ANTECEDENTS LEADING UP TO INCIDENT AND HOW CLIENTS WERE AFFECTED, INCLUDING ANY INJURIES:

On 2/28/24 at 2:25pm an assistant teacher [REDACTED] was observed by assitstant teacher [REDACTED] aggressively approaching a child and intervening in a conflict. [REDACTED] said in a loud voice [REDACTED] and grabbed [REDACTED] body throwing [REDACTED] towards the wall in the classroom. She yelled [REDACTED] needed to apologize and held [REDACTED] body in a restriant. The group size was 6 children in the room at this time. [REDACTED] was shocked and left the room to get help. Another teacher removed [REDACTED] from the children. [REDACTED] shift was over at 2:45. The director contacted her supervisors, the parents and made a plan of what to do next.

PERSON(S) WHO OBSERVED THE INCIDENT/INJURY:

[REDACTED] and the children. Other teachers who were notified were [REDACTED] and [REDACTED] right after the situation happened.

EXPLAIN WHAT IMMEDIATE ACTION WAS TAKEN (INCLUDE PERSONS CONTACTED):

[REDACTED] talked to Dirceto [REDACTED] before leaving. She admitted to putting her hands on [REDACTED] and said sorry. [REDACTED] took action seek guidance from supervisors and called [REDACTED] parents. That evening Office Clark (Eureka police department) called [REDACTED] and recieved her statement and got the contact info for [REDACTED] and [REDACTED]. [REDACTED] called her supervisor [REDACTED] that evening and in the morning 2/29/24 filled a CPS report out [REDACTED] was greeted by EPD at 745 for her statement and was arrested on the scene.

OVER

Exhibit 1

Attachment 1-000002

MEDICAL TREATMENT NECESSARY? YES NO IF YES, GIVE NATURE OF TREATMENT:

recieved extra support from therapist team, family and other adults and sibling the night of the incident.

has a plan to see primary care doctor 2/29/24 at 2:15pm. expressed soreness on left hip and no bruies were seen.

WHERE ADMINISTERED:
Redwood Pediatrics

ADMINISTERED BY:

FOLLOW-UP TREATMENT, IF ANY:

ACTION TAKEN OR PLANNED (BY WHOM AND ANTICIPATED RESULTS):

LICENSEE/SUPERVISOR COMMENTS:

spoke if LPA 11:30pm 2/29/24

NAME OF ATTENDING PHYSICIAN

Dr James Killifill

REPORT SUBMITTED BY:

NAME AND TITLE

Director of Early Childhood Development and SPED

DATE

2/29/24

REPORT REVIEWED/APPROVED BY:

NAME AND TITLE

Erica Laird LPA

DATE

2/29/24

AGENCIES/INDIVIDUALS NOTIFIED (SPECIFY NAME AND TELEPHONE NUMBER)

LICENSING

ADULT/CHILD PROTECTIVE SERVICES

LONG TERM CARE OMBUDSMAN

PARENT/GUARDIAN/CONSERVATOR

LAW ENFORCEMENT

PLACEMENT AGENCY

NAME OF AGENCY:	Humboldt Co. Dept. of Health & Human Services	DEPARTMENT/ DIVISION:	Child Welfare Division
STREET ADDRESS:	2440 6th Street		
CITY AND ZIP CODE:	Eureka, California 95501	COUNTY:	Humboldt
NAME OF SOCIAL WORKER	CASELOAD ID	TELEPHONE	
Tamara Rogers	CWIB05	(707) 388-6474	
EMERGENCY RESPONSE NOTICE OF REFERRAL DISPOSITION			
NAME OF CHILD(REN)		CHILD ID NUMBER	
[REDACTED]		[REDACTED]	
		REFERRAL NUMBER	
		[REDACTED]	

[REDACTED]
 Winzler Children's Center
 719 Creighton St
 Eureka, California 95501

The above named family or child was referred by you to this agency for Emergency Response intervention on: 02/29/2024

The result of the initial Emergency Response intervention is:

- Does not meet the State requirements for Intervention
- Allegations appear to be unfounded - case closed
- Allegations cannot be substantiated - case closed
- Situation stabilized - case closed
- Family has agreed to voluntary Social Services
- Case open for service

Referred to community agency
 EPD (Agency Name) (707) 441-4060 (Agency Phone #)

Referred to Juvenile Court for Investigation

COMMENTS:

Thank you for taking the time to make this referral. The information provided did not meet criteria for investigation at this time. We did share the information you provided with local law enforcement so that they could assess whether or not a crime has been committed. If you have new child abuse and neglect to report, please give us a call at (707) 445-6180. If you would like more information about reporting child abuse or neglect, or are wondering if a situation needs reporting, check out our new Child Protection Reporting Guide at <https://cprg-app.evidentchange.net/humboldt/>

Ellen Rosebaugh for Tamara Rogers (Worker) 2-29-24 (Date)
 Tamara Rogers (Phone #)
 CWIB05 (Caseload Number) Social Worker III (707) 388-6474 (Telephone Number)
 (Title)

AGENDA ITEM

Agenda Title: Approval of Personnel Action Report No. 2
Meeting Date: August 29, 2024
Item: Consent

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

The Governing Board is asked to approve Personnel Action Report No. 2.

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

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 7: Human Resources

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

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

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

Renaë Will, Executive Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- Personnel Report No. 2

**EUREKA CITY SCHOOLS
PERSONNEL REPORT NO. 2
August 29, 2024**

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

CERTIFICATED PERSONNEL

ASSIGNMENTS

Baldwin, Christina	Probationary I Teacher, 1.0 FTE, (EHS), eff. 8/14/24
Brown, Launi	Temporary Teacher, 1.0 FTE, (Zane), eff. 8/14/24 – 6/12/25
Cabrales, Yvonne	Probationary 0 Speech Language Pathologist, 1.0 FTE, (District Wide), eff. 8/14/24
Elliott, Tyler	Probationary I Teacher, 1.0 FTE, (Washington), eff. 8/14/24
Fuchs, Breanna	Probationary I Children’s Center Teacher, 0.9276 FTE, (Winzler), eff. 8/19/24
Harris, Kevin	Walk-On Athletic Trainer, (District Wide), eff. 2024 – 2025
Ocana Julia, Maria	Temporary Teacher, 0.6 FTE, (Zane), and Probationary I Teacher, 0.2 FTE, (Winship), eff. 8/14/24

CHANGE OF STATUS

Garon, Jennisah	From: Probationary I Speech Language Pathologist, 1.0 FTE, (District) To: Probationary II Speech Language Pathologist, 1.0 FTE, (District), eff. 8/14/24
Khattak, Shawn	From: Temporary Teacher, 1.0 FTE, (Lafayette) To: Probationary II Teacher, 1.0 FTE, (Lafayette), eff. 8/14/24
Mooney, Harmony	From: Temporary Teacher, 1.0 FTE, (Washington) To: Probationary II Teacher, 1.0 FTE, (Washington), eff. 8/14/24
Mullen, Jennie	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/14/24
Noriega, Olivia	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/14/24
Pon, David	From: Probationary I Teacher, 1.0 FTE, (EHS) To: Probationary II Teacher, 1.0 FTE, (EHS), eff. 8/14/24
Reano, Jade	From: Temporary Teacher, 1.0 FTE, (Lafayette) To: Probationary II Teacher, 1.0 FTE, (Lafayette), eff. 8/14/24
Saffold, Andrew	From: Probationary II Education Specialist, 0.61 FTE, (Grant), and Probationary I Education Specialist, 0.39 FTE, (Grant) To: Education Specialist, 0.61 FTE, (Grant), and Probationary II Education Specialist, 0.39 FTE, (Grant), eff. 8/14/24
Salimando, Stacy	From: Probationary I Teacher, 1.0 FTE, (Zane) To: Probationary II Teacher, 1.0 FTE, (Zane), eff. 8/14/24

Totten, Shane From: Probationary I Teacher, 0.8 FTE, (EHS) and 0.2 FTE (Winship)
To: Probationary II Teacher, 0.8 FTE, (EHS) and 0.2 FTE (Winship), eff. 8/14/24

Van Ness, Alice From: Probationary I Teacher, 1.0 FTE, (EHS)
To: Probationary II Teacher, 0.8 FTE, (EHS), eff. 8/14/24

Webb, Hannah From: Probationary I Teacher, 1.0 FTE, (Winship)
To: Probationary II Teacher, 1.0 FTE, (Winship), eff. 8/14/24

DAY-TO-DAY SUBSTITUTE

Uscanga, Joshua Day to Day Substitute Teacher, (District Wide), eff. 8/19/24 – 6/30/25

CLASSIFIED PERSONNEL

RESIGNATIONS

Collins, Victoria	Monitor, (Winship), 3.5 hrs/day, eff. 6/14/24
Fitzgerald, Katelyn	Community Schools Liaison, (Zane), 8 hrs/day, eff. 8/13/24
Kasper, Jeffrey	Instructional Assistant SPED III, (Lafayette), 6.5 hrs/day, eff. 8/3/24
Lucas, Barb	Monitor, (Grant), 4 hrs/day, eff. 6/14/24
Myer, Julie	Classroom Aide, (Grant), 6 hrs/day, eff. 6/14/24
Nilsen, Mariyln	Literacy Technician, (Grant), 5.25 hrs/day, eff. 8/19/24
Nord, Kaelly	After School Program Assistant, (Washington), 3.7 hrs/day, eff. 6/14/24
Pagel-Mullan, Mary “Katie”	Instructional Assistant SPED III (Winzler), 6.5 hrs/day, eff. 6/14/24
Robinson, Edward	Math Technician, (Zoe Barnum), 2.4 hrs/day, eff. 6/14/24
Tompkins, Sarah	Instructional Assistant SPED III, (Washington), 7 hrs/day, eff. 6/14/24
Wolitzky, Josie	After School Program Assistant, (Zane), 3.2 hrs/day, eff. 6/14/24

ASSIGNMENTS

Bengtson, Mikaylah	Monitor, (Grant), 2 hrs/day, eff. 8/19/24
Carter, Claudia	Classroom Aide, (Washington), 1.5 hrs/day, eff. 8/19/24
Carter, Claudia	Monitor, (Washington), 4 hrs/day, eff. 8/19/24
Collins, Victoria	Campus Supervisor, (EHS), 8 hrs/day, eff. 8/15/24
Edwards, Joshua	Senior Food Service Worker, (Winship), 8 hrs/day, eff. 8/19/24
Fitzgerald, Katelyn	Community Schools Liaison, (Zane), 8 hrs/day, eff. 8/1/24
Haynes, Carly	Instructional Assistant SPED III (Lafayette), 6.5 hrs/day, eff. 8/19/24
Her, Shelly	Instructional Assistant SPED III, (Winship), 7 hrs/day, eff. 8/19/24
Hoberecht, Todd	Lead Painter, (Corp Yard), 8 hrs/day, eff. 8/5/24
Johnson, Sascha	Instructional Assistant SPED III, (EHS), 7 hrs/day, eff. 8/19/24
Knight, Diane	Monitor, (Alice Birney), 4 hrs/day, eff. 8/19/24
Layns, Krystal	Instructional Assistant SPED III, (Lafayette), 6.5 hrs/day, eff. 8/19/24
Martinez, Samantha	Intermediate Clerk Typist, (Grant), 2 hrs/day, eff. 8/12/24
McKinney, Shannon	After School Program Assistant, (Washington), 4.35 hrs/day, eff. 8/19/24
Picart, Ricardo	Secondary Math Tech, (Winship), 4 hrs/day, eff. 8/19/24
Popoca, Maritza	Monitor, (Alice Birney), 4 hrs/day, eff. 8/19/24
Reyes, Shakira	Community Schools Liaison, (Lafayette), 8 hrs/day, eff. 8/7/24
Slaff, Sabrina	Food Service Worker, (Central Kitchen), 8 hrs/day, eff. 8/26/24
Williams, Jordan	Monitor, (Alice Birney), 4 hrs/day, eff. 8/19/24

CHANGE OF STATUS

Adair, Cassandra From: Instructional Assistant SPED III, (Washington), 6.5 hrs/day
To: Instructional Assistant SPED III, (Alice Birney), 6.5 hrs/day, eff. 8/19/24

Begum, Razia From: Instructional Assistant SPED III, (Zane), 7 hrs/day
To: Instructional Assistant SPED III, (EHS), 7 hrs/day, eff. 8/19/24

Bengtson, Mikaylah From: Lead After School Program Assistant, (Grant), 4 hrs/day
To: Lead After School Program Assistant, (Grant), 4 hrs/day
 Monitor, (Grant), 2 hrs/day, eff. 8/19/24

Bertain, Jeffrey From: Instructional Assistant SPED III, (Alice Birney), 6.5 hrs/day
To: Instructional Assistant SPED III (EHS), 6.5 hrs/day, eff. 8/19/24

Carter, Claudia From: After School Program Assistant, (WA), 2 hrs/day
To: After School Program Assistant, (WA), 2 hrs/day
 Classroom Aide, (WA), 1.5 hrs/day, eff. 8/19/24
 Monitor, (WA), 4 hrs/day, eff. 8/19/24

Collins, Victoria From: Campus Supervisor, (Winship), 4 hrs/day
 Monitor, (Winship), 3.5 hrs/day
To: Campus Supervisor, (EHS), 8 hrs/day, eff. 8/15/24

Edwards, Joshua From: Food Service Worker, (EHS), 8 hrs/day
To: Senior Food Service Worker, (Winship), 8 hrs/day, eff. 8/19/24

Ethridge, Cyndal From: Instructional Assistant SPED III, (Alice Birney), 6.5 hrs
To: Instructional Assistant SPED III, (Lafayette), 6.5 hrs/day, eff. 8/19/24

Hoberecht, Todd From: Painter, (Corp Yard), 8 hrs/day
To: Lead Painter, (Corp Yard), 8 hrs/day, eff. 8/5/24

Martinez, Samantha From: Intermediate Clerk Typist, (Grant), 4 hrs/day
To: Intermediate Clerk Typist, (Grant), 4 hrs/day
 Intermediate Clerk Typist, (Grant), 2 hrs/day, eff. 8/12/24

Starr, Maya From: Instructional Assistant SPED III, (EHS), 7 hrs/day
To: Instructional Assistant SPED III, (Winship), 7 hrs/day, eff. 8/19/24

Walford-Bergel, Kimberly From: Instructional Assistant SPED III, (Lafayette), 7 hrs/day
To: Instructional Assistant SPED III (Zane), 7 hrs/day

SPECIAL APPOINTMENTS

CiFuentes-Torres, Cindy Classified Sub (Para), eff. 8/19/24

AGENDA ITEM

Agenda Title: Approval and Adoption of the School Calendar for the 2025-2026 School Year
Meeting Date: August 29, 2024
Item: Consent

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

The Governing Board is asked to approve and adopt the proposed 2025-2026 calendar.

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

The calendar was negotiated and agreed upon by the Eureka Teachers Association and Eureka City Schools.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 7: Human Resources

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

Annual adoption.

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)*

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

ATTACHMENTS:

Description

- ▣ Schedule of Holidays -2025-2026
- ▣ 2025-2026 School Calendar



**Eureka City
Schools**

SCHEDULE OF HOLIDAYS

2025-2026 School Year

(Classified, Confidential, and Management Personnel)

Date	Holiday
Friday, July 4, 2025	Independence Day
Monday, September 1, 2025	Labor Day
Tuesday, November 11, 2025	Veterans Day
Thursday, November 27, 2025	Thanksgiving Day
Friday, November 28, 2025	Local Holiday
Wednesday, December 24, 2025	Christmas Eve
Thursday, December 25, 2025	Christmas Day
Thursday, January 1, 2026	New Year's Day
Monday, January 19, 2026	Martin Luther King Jr. Day
Monday, February 16, 2026	Washington's Birthday
Tuesday, February 17, 2026	Lincoln's Birthday
Monday, May 25, 2026	Memorial Day
Friday, June 19, 2026	Juneteenth

Board Adopted: **TBD**

Sent Out – All ECS Staff via Email/Webmaster: **TBD**

Eureka City Schools
2025-2026
Board Adopted 8/29/24

Month	Mon	Tue	Wed	Thu	Fri	Days Taught	Holidays
	11	12	13	14	{▶ 15}	180	8/15/25 Elem, MS Teachers' Duty Day
August 18 to September 12 First Month	18 25	19 26	20 27	21 28	22 29	19	School Starts 8/18/25 Labor Day 9/01/25
September 15 to October 10 Second Month	[1] 8	2 9	3 10	4 11	5 12	19	
October 13 to November 7 Third Month	15 22	16 23	17 24	18 25	19 26	19	Staff Dev Day 10/3/25
November 10 to December 5 Fourth Month	20 27	21 28	22 29	23 30	{17} 24 31	19	Staff Dev Day 10/27/25
December 8 to January 2 Fifth Month	3 10	4 11	5 12	6 13	7 14~	13	No School, No Teacher Duty 11/10/25 Veteran's Day Observed 11/11/25 Thanksgiving Break 11/24/25-11/28/25
January 5 to January 30 Sixth Month	17 24	18 25	19 26	20 27	21 28	10	Winter Break 12/22/25-1/02/26
February 2 to February 27 Seventh Month	22 29	23 30	(24) 31	[25] [1]	26 2	19	Martin Luther King Jr. Day 1/19/26
March 2 to March 27 Eighth Month	5 12	6 13	7 14	8 15	9 {16}	15	Presidents' Week 2/16/26-2/20/26
March 30 to April 24 Ninth Month	[19] 26	20 27	21 28	22 29	23 30	19	Staff Dev Day 03/20/2026
April 27 to May 22 Tenth Month	2 9	3 10	4 11	5 12	6 13	15	Spring Break 4/13-4/17/26
May 25 to June 11 Eleventh Month	[16] 23	(17) 24	18 25	19 26	20 27	19	No School, No Teacher Duty 5/22/26
	2 9	3 10	4 11	5 12	6~ 13	19	Staff Dev Day 03/20/2026
	16 23	17 24	18 25	19 26	20 {27}	15	
	30 6	31 7	1 8	2 9	3 10	19	Memorial Day 5/25/26
	13 20	14 21	15 22	16 23	17 24	13	Last Day of Instruction 6/11/26 6/12/26 EHS Teachers' Duty Day 6/19/26 Juneteenth
	27 4	28 5	29 6	30 7	1 8	19	
	11 18	12 19	13 20	14 21	15 22	13	
	[25] 1	26 2	27 3	28 4	29 5	13	
	8 15	9 16	10 17	{11}~ 18	{▶ 12} [19]	13	

	Trimester	Quarter / Semester
	Elementary School	Middle School / High School
~ End of Trimester	-1st Tri 60 Days 8/18/25 - 11/14/25	} 1st Qtr 43 Days 8/18/25 - 10/17/25
} End of Quarter	-2nd Tri 59 Days 11/17/25 - 3/6/26	} 2nd Qtr 47 Days 10/20/25 - 1/16/26
[] Legal Holiday	-3rd Tri 61 Days 3/9/26 - 6/11/26	} 3rd Qtr 43 Days 1/20/26 - 3/27/26
() Local Holiday	180 Days	} 4th Qtr 47 Days 3/30/26 - 6/11/26
{▶} Possible Teacher Duty Day		180 Days
 No School		
 No School-Teacher Duty		
 No School-No Teacher Duty		

*Note: Duty day for elementary, middle school, and Zoe Barnum teachers only 8/15/25. Duty day for Eureka High School teachers only 6/12/26. All teachers work six non-instruction duty days.

AGENDA ITEM

Agenda Title: Approval of Resolution #24-25-003, Revised Date for Observance of Abraham Lincoln's Birthday on the 2025-2026 School Calendar
 Meeting Date: August 29, 2024
 Item: Consent

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

The Governing Board is asked to approve Resolution #24-25-003, revising the date for the observance of Abraham Lincoln's Birthday by the closure of Eureka City Schools on Tuesday, February 17, 2026 in the 2025-2026 School Year.

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

The 2025-2026 school calendar does not close school on Monday or Friday of the week in which February 12 occurs, in observance of Lincoln's birthday. Except for Veteran's Day, the Governing Board may revise the date upon which the schools of the district close in observance of any of the holidays identified in Education Code Section 37220 by adoption of a resolution. This resolution authorizes the closure of Eureka City School District on Tuesday, February 17, 2026 in honor of Lincoln's birthday.

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)*

Eureka City Schools' annual adoption of resolutions changing the closure of school in observance of Abraham Lincoln's birthday began in the spring of 1995 when the adopted school calendar included school closure during the remainder of the week of President Day.

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

There is no cost associated with this action.

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

Renaë Will, Director of Personnel and Public Affairs

ATTACHMENTS:

Description

- RESO 24-25-003



Eureka City Schools

RESOLUTION # 24-25-003 OBSERVANCE OF LINCOLN'S BIRTHDAY

- WHEREAS,** the Eureka City Schools Board of Trustees has adopted the 2025-2026 School Calendar; and
- WHEREAS,** Education Code requires that the public schools shall close on the Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day";
- WHEREAS,** the adopted 2025-2026 School Calendar observes Lincoln's Birthday by closing Eureka City Schools on Tuesday, February 17, 2026, in the 2025-2026 school year; and
- WHEREAS,** California Education Code § 37220(e) reads: "The governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observation of any holiday."

NOW, THEREFORE, BE IT RESOLVED, the schools of the Eureka City Schools will hold exercises in memory of Abraham Lincoln and George Washington on Friday, February 13, 2026, and will observe Lincoln's Birthday by closing Eureka City Schools on Tuesday, February 17, 2026.

This Resolution was passed by the Eureka City School District Board of Trustees on the 29th day of August, 2024.

Gary Storts, Superintendent
Secretary to the Board of Education

AGENDA ITEM

Agenda Title: Approval of Minutes from the Regular Meeting on August 8, 2024

Meeting Date: August 29, 2024

Item: Consent

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

The Governing Board is asked to approve the minutes from the regular meeting on August 8, 2024.

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)*

Gary Storts, Superintendent

ATTACHMENTS:

Description

- Minutes - 08.08.24



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

Regular Meeting
6:30 PM
August 8, 2024
MINUTES

A. CALL TO ORDER OF OPEN SESSION

President Johnson called the open session to order at 5:30 p.m.

Members Present: Johnson, Ollivier, Pardoe, Rebholtz

Members Absent: Duncan

Staff Present: Storts, Ziegler, Johnson, Will, Claussen, Harris

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Public comment on Closed Session Item C(5):

Cynthia Packard addressed the Board and thanked the Board for serving in their Board positions, which she acknowledged are unpaid. She is alarmed at what she has seen relating to Jacobs and believes it is an end run around the law. She is concerned as she does not believe the Board intends to exchange anything and that due diligence was not involved in this process.

Thomas Stewart notes the Jacobs site is not protected and drugs have been found on the property. Fifty small alcohol bottles were found at the Jacobs site in addition to whippets, etc. Whippets should be illegal, as there are serious side effects. He showed a picture of crystal meth, which he states were also recently found at the site. He has spoken to law enforcement who believe CHP would provide a safer presence within the Eureka neighborhood. He believes this whole process is a shenanigan and fraud was committed. He believes a secret deal with the City fell through and this should be investigated. He urged the Board to go back to CHP.

Anonymous Community Member conveyed frustration the District negotiated with an entity that was created only a few days prior to the agreement.

Anonymous Community Member has the same feelings as the last two speakers. The speaker is very concerned with transparency and notes there is a lot that needs to be reviewed. The school district has been presented with other options. This fast and quick exchange at the end does not sit well with the residents.

Larry Giventer states he was a member of the 2023-2024 Grand Jury and had a heavy hand in writing the report. He notes the report was released on June 12th of this year and was regarding the decision-making of the Board of trustees. He wished to point out that the report summarizes the requirements of the Government Code/Brown Act regarding the content of closed session. It also contained six findings and five recommendation which by law the Board is required to publicly and formally respond to within 90 days of the report's release.

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

President Johnson moved the meeting to closed session to discuss closed session items.

- (1) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. K(14)
- (2) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. K(14)
- (3) Conference with Labor Negotiator Superintendent Storts Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- (4) Public Employee Discipline, Dismissal, Release, Complaint, Accept the Resignation of a Public Employee (GC § 54957)
- (5) Conference with Real Property Negotiator Superintendent Storts Regarding 674 Allard Avenue (Former Jacobs Middle School) and 3553 I Street Properties Concerning Price and/or Terms of Payment (Negotiating Parties: AMG Communities – Jacobs, LLC) (GC § 54956.8)
- (6) Consideration of Readmission After Stipulated Expulsion: [Student #21-22-174; Resolution #21-22-011]
- (7) Consideration of Readmission After Stipulated Expulsion: [Student #22-23-785; Resolution #22-23-019]
- (8) Consideration of Readmission After Stipulated Expulsion with Suspended Enforcement: [#23-24-7003; Resolution #23-24-027]

D. RECONVENING OF OPEN SESSION (Board Room)

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

Members Present: Johnson, Ollivier, Pardoe, Rebholtz, Salas
Members Absent: Duncan
Staff Present: Storts, Ziegler, Johnson, Will, Claussen, Harris

E. REPORT OUT FROM CLOSED SESSION

During closed session, on Closed Session Item C(5), the Board gave staff direction to not move forward with contract negotiations with AMG. This direction was unanimous, with Trustee Duncan absent. This will be discussed further under Discussion Item M(35).

During closed session, on Items C(6), C(7), and C(8), the Board granted readmission to three students - Student #21-22-174, Student #22-23-785, and Student #23-24-7003 - consistent with Education Code Section 48916(c), and authorized the District Superintendent or his designee to notify the students of the Board's decision. Trustees Johnson, Ollivier, Rebholtz, and Pardoe, voted unanimously to readmit all three students. Trustee Duncan was absent.

No other action taken on any closed session items.

F. PLEDGE OF ALLEGIANCE TO THE FLAG

G. PUBLIC HEARING ON NON-AGENDA ITEMS

(9) Public Comment on the Adoption of the 2024-2027 Collective Bargaining Agreement Between Eureka City Schools Governing Board and California School Employees Association/CSEA Redwood Chapter #88 Blue & White Collar Units

No public comment.

H. ADJUSTMENTS TO THE AGENDA

(10) Approval of the Agenda

No adjustments to the agenda.

It was M/S by Olivier/Pardoe to approve the Agenda. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

I. INFORMATION

(11) Student Reports – No student reports.

(12) Superintendent's Report – Storts provided an update to the Board on the new school year and plans for depth and not breadth. New hires participated in the new hire orientation this week and Student Services handled orientation for new certificated staff. The Leadership Team will receive training tomorrow and will also participate in professional development with NCIDC and United Indian Health at Cal Poly Humboldt. Storts recently facilitated the first Future Focused Steering Committee meeting, which went well, and focused on taking a closer look on how to “disrupt” the way education is currently handled to make sure it reaches all students. The “Welcome Back” event is scheduled for Wednesday, August 14th, and there will be a welcome back portion, a keynote by Rosamel Benavides-Garb, the Associate Vice President for Diversity, Equity, and Inclusion at Cal Poly Humboldt, and a panel on ECS staff focused on Belonging.

(13) Board Members' Reports

Ollivier wishes she was able to attend the trip to Lindsay USD.

J. PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment.

K. CONSENT CALENDAR

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

- (14) Approval of Personnel Action Report No. 1
Referred to the Board by:
Renaë Will, Executive Director of Personnel Services and Public Affairs
- (15) Approval of Overnight and Out-of-Town Field Trip Requests - FFA / Eureka High School (11 Total)
Referred to the Board by:
Renaë Will, Executive Director of Personnel Services and Public Affairs
- (16) Approval of Minutes from the Regular Meetings on June 25, 2024 and June 27, 2024 and the Special Meeting on July 10, 2024
Referred to the Board by:
Gary Storts, Superintendent
- (17) Approval of June 2024 Warrants
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (18) Approval of Eureka High School Albee Stadium/Bud Cloney Field Project Contingency Fund

- Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (19) Approval of Change Order No. 9: EHS Gymnasium Project
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (20) Approval and Acceptance of the Grant Award Notification (GAN) for the School Health Demonstration Project
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (21) 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
- (22) Approval for Student Services Staff to Travel Out-of-State to Crisis Prevention Intervention Training
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (23) Approval of Professional Services Agreement By and Between Eureka City Schools and County of Humboldt for Fiscal Years 2023-2024 through 2027-2028.
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (24) Approval of the Grant Agreement By and Between County of Humboldt and Eureka City Schools for Fiscal Year 2024-2025
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (25) Approval for the Memorandum of Understanding for Wellness Center Services Between Eureka City Schools and Humboldt NeuroHealth
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (26) Approval for the Memorandum of Understanding for the Wellness Center Services Between Eureka City Schools and Humboldt Del Norte Independent Practice Association
Referred to the Board by:
Lisa Claussen, Director of Student Services
- (27) Approval for District Instructional Staff to to Travel Out-of-State and Attend the "Corwin, Annual PLC+" Conference
Referred to the Board by:
Jennifer Johnson, Assistant Superintendent of Educational Services

- (28) 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:
Jennifer Johnson, Assistant Superintendent of Educational Services

Governing Board: yes 4, no 0, absent 1 (Duncan). Motion carried.

L. DISCUSSION/ACTION

- (29) Certify Public Disclosure Summary and Ratify Changes to the 2024-2027 Collective Bargaining Agreement Between Eureka City Schools Governing Board and California School Employees Association/CSEA Redwood Chapter #88 Blue Collar & White Collar Units
Referred to the Board by:
Renaë Will, Executive Director of Personnel Services and Public Affairs

Will provided this item and notes the Board is asked to approve and certify the public disclosure and ratify changes. The CSEA vote took place on June 24, 2024.

It was M/S by Johnson/Rebholtz to approve and certify the Public Disclosure Summary and ratify changes to the 2024-2027 Collective Bargaining Agreement between Eureka City Schools Governing Board and California School Employees Association/CSEA Redwood Chapter #88 Blue Collar & White Collar Units. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

- (30) Hiring a Speech Language Pathologist on a Variable Term Waiver
Referred to the Board by:
Renaë Will, Executive Director of Personnel Services and Public Affairs

Will notes hiring speech language pathologists is a struggle in our area. We have hired several this year but one is on a variable-term waiver. Approval of this will allow this employee to work as an SLP in the classroom.

It was M/S by Rebholtz/Duncan to approve the Hiring of a Speech Language Pathologist on a Variable Term Waiver. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

- (31) Discuss and Consider Approval of Resolution #24-25-001, Proposition 2: Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

Ziegler notes the state will be placing a bond measure for the upcoming election, as the state has run out of bond funds to do many of the state matches around the state. This does not impact the district directly or the financial hardship dollars. However, there is a lot of need around the state, and approval of the resolution helps convey the message that we are in favor of this passing.

It was M/S by Johnson/Rebholtz to approve Resolution #24-25-001, Proposition 2: Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

- (32) Revision to 2024 Board Meeting Schedule (Reschedule or Cancel Meeting on October 10, 2024 Board Meeting)
Referred to the Board by:
Gary Storts, Superintendent

Storts note there is a conflict with the October 10th Board meeting, as he has been asked to present at the National Indian Education Conference in Palm Springs on October 10th and 11th. Trustees note it is an honor Superintendent was asked to speak in order to address the Failing Grade Report. The Board notes availability to move the October 10, 2024, regularly scheduled Board meeting to October 3, 2024.

It was M/S by Johnson/Pardoe to revise the schedule of Board meeting for 2024 and move the October 10, 2024 meeting to October 3, 2024. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

- (33) Approval of the 2024-2025 Local Control Accountability Plan, Annual Update
Referred to the Board by:
Jennifer Johnson, Assistant Superintendent of Educational Services

Johnson notes this item relates to the approval of the draft form of the annual update, which is a separate report, and was not included in the LCAP that was adopted in June. Staff met with HCOE to review the draft.

It was M/S by Rebholtz/Pardoe to approve the 2024-2025 Local Control Accountability Plan, Annual Update. Governing Board: ayes 4, noes 0, absent 1 (Duncan). Motion carried.

M. DISCUSSION

- (34) 45-Day Budget Update
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

Ziegler provided an update to the Board on changes since the budget was adopted by the state. Ziegler notes the attachments to this board item overlay the changes to the District's budget and the State's budget. The previously approved ECS budget did not include the information relating to the CSEA contract or the offer on the table through ETA. Staff are proposing a \$5.1 million dollar increase in the budget. Ziegler reviewed the breakdown on restricted and unrestricted funds. He notes this does include the retroactive pay increases for both unions. In response to a trustee's question, Ziegler confirmed this keeps the District above the minimum reserve, and there some additional reserve improvement in the future.

- (35) Jacobs Property Exchange Update
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

Ziegler conveyed the District has been poised and ready to close by the escrow deadline. However, AMG is not ready to close and has asked for an extension. The Board has provided direction to staff and not grant the extension.

Hank Beck provided public comment to the Board on this item and notes this can be a difficult time as board members. When there are two very different offers, it is obvious that the extra money will benefit students. He urged the board to complete the deal as soon as possible.

A trustee notes AMG is asking for a fairly lengthy extension, and if no further action is taken to extend to another point, the District is out of contract and by Monday morning they will no longer be in agreement with AMG. Trustees request staff come back to the Board with the options for consideration and direction at the late August meeting. Trustees note the goal is still to benefit students and that this is the priority.

- N. **CLOSED SESSION**
Closed session did not continue.
- O. **RECONVENING OF OPEN SESSION**
Not applicable. Closed session did not continue.
- P. **REPORT OUT FROM CLOSED SESSION**
Not applicable. Closed session did not continue.
- Q. **INFORMATIONAL ONLY ITEMS**

- (36) Information Only: September 2024 - Review of CDE Calendar of Events

R. ADJOURNMENT

President Johnson adjourned the meeting at 6:52 p.m.

Respectfully submitted,

Gary Storts, Superintendent
Secretary of the Board of Education

Micalyn Harris, Recording Secretary

AGENDA ITEM

Agenda Title: Approval of MOU Between the Regents of the University of California on Behalf of its UC Cooperative Extension Humboldt County Expanded Food Nutrition Education Program and Eureka City Schools

Meeting Date: August 29, 2024

Item: Consent

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

The Governing Board is asked to approve the MOU between the Regents of the University of California on Behalf of its UC Cooperative Extension Humboldt County Expanded Food Nutrition Education Program and 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 purpose of this MOU is to conduct educational classes for Cooperator (“Project”), as further described in Exhibit A, Project Description, attached to the MOU. EFNEP helps youth acquire knowledge, skill, the right attitude, and behavior to create nutritionally sound diets. Students learn to develop healthy eating habits, choose healthy snacks, increase physical activity, and practice safe food handling

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 \$)*

No cost to ECS.

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

Gary Storts, Superintendent

ATTACHMENTS:

Description

▣ MOU

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
ON BEHALF OF ITS
UC Cooperative Extension Humboldt County
Expanded Food Nutrition Education Program
AND
Eureka City Schools

This Memorandum of Understanding (“MOU”) is entered into by and between Eureka City Schools (“Cooperator”) and The Regents of the University of California, on behalf of its UC Agricultural and Natural Resources and its UC Cooperative Extension Humboldt / Del Norte Counties (collectively, “University”).

I. PURPOSE

The purpose of this MOU is to conduct educational classes for Cooperator (“Project”), as further described in Exhibit A, Project Description, which is hereby attached and incorporated by reference.

University is hereby authorized to use facilities of the Cooperator at the following locations:

Alice Birney Elementary
Eureka High School
Grant Elementary
Lafayette Elementary
Washington Elementary
Winship Middle School
Zane Middle School
Zoe Barnum High School

II. TERM

This MOU is to be in effect from the date of last signature below until July 22, 2025.

III. NOTICES

Any notice required or permitted to be given under this MOU shall be in writing and shall be conclusively delivered to the other party at the following respective addresses:

For Cooperator:

Gary Storts, Superintendent
Eureka City Schools
2100 J ST
Eureka CA 95501

Email: stortsg@eurekacityschools.org

For University:

Yana Valachovic, UCCE County Director
UC Cooperative Extension Humboldt / Del Norte County
5630 South Broadway
Eureka, California 95501

Email: yvala@ucanr.edu

IV. INSURANCE

Both parties agree to provide and maintain, at their own expense, a program of insurance, or self-insurance, covering the activities and operations of their respective officers, agents and employees for the term of this MOU. Insurance shall include, but is not limited to, comprehensive general liability, professional liability, and personal injury. The various policies of insurance shall have a minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Upon request, the parties will provide each other evidence of such coverage naming the other party as an additional insured including an additional insured endorsement issued by the insurance issuer or program of self-insurance.

V. INDEMNIFICATION

University shall defend, indemnify and hold Cooperator, its officers, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Memorandum of Understanding (MOU) but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of University, its officers, agents or employees.

Cooperator shall defend, indemnify and hold University, its officers, employees and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Memorandum of Understanding but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Cooperator, its officers, agents or employees.

VI. EXECUTION

This MOU may be executed by electronic signature(s) and transmitted either by facsimile or in a portable document format ("pdf") version by email and such electronic signature(s) shall be deemed as original for purposes of this MOU and shall have the same force and effect as a manually executed original.

This MOU may be executed in two or more counterpart copies, each of which shall be deemed as an original and all of which, when taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the latest date of execution set forth below.

COOPERATOR

Gary Storts, Superintendent
Eureka City Schools

Date

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Robin Sanchez, Director
Policies, Compliance and Programmatic Agreements
University of California Agriculture and Natural Resources

Date

EXHIBIT A: PROJECT DESCRIPTION

EFNEP helps youth acquire knowledge, skill, the right attitude, and behavior to create nutritionally sound diets.

Students learn to:

- Develop healthy eating habits
- Choose healthy snacks
- Increase physical activity
- Practice safe food handling

Target Audience

The youth program aims to enroll youth who come from limited resource families in rural and urban areas.

Eligibility

Youth must be between ages 5-18 and qualify for at least one of the following:

- Attend a Title 1 school in which 50% or more of the students qualify for free or reduced price lunch or breakfast.
- Receive free or reduced price school breakfast or lunch.
- Come from families receiving food stamps or other federal assistance.

Program Delivery

The youth program is delivered by EFNEP staff or volunteer teachers in schools and community based organizations. Staff and/or volunteers utilize one of several [University approved curricula](#). We provide our curricula at no cost when you partner with us and teach 5-8 one-hour lessons!

EXHIBIT B: FINGERPRINTING/CRIMINAL BACKGROUND INVESTIGATION LETTER AND TUBERCULOSIS COMPLIANCE

University of California's Fingerprinting/Criminal Background Investigation and Tuberculosis (Education Code sections 45125.1 and 49406.1) Compliance

To whom it may concern:

University certifies that University has complied with the fingerprinting and criminal background investigation requirements of Education Code section 45125.1 with respect to all University's officers, agents and employees ("Employees") regardless of whether those Employees are paid or unpaid, who may have contact with Cooperator pupils in the course of providing services pursuant to this MOU, and the California Department of Justice has determined that none of those Employees has been convicted of a felony, as that term is defined in Education Code section 45122.1. A complete and accurate list of Employees who may come in contact with Cooperator pupils during University's performance of this MOU shall be furnished upon request.

University's responsibility for tuberculosis clearance extends to all of its Employees coming into contact with Cooperator pupils regardless of whether they are designated as employees. University certifies that University has complied with the tuberculosis requirements of Education Code section 49406.1 with respect to all University Employees who may have contact with Cooperator pupils in the course of providing services pursuant to this MOU, and the California Department of Justice has determined that none of those employees has active tuberculosis, as that term is defined in Education Code section 45122.1.

Cooperator will be responsible for collecting page 3 of the "California School Employee Tuberculosis Risk Assessment Questionnaire," titled "Certificate of Completion, Tuberculosis Risk Assessment and/or Examination," as provided by the California Department of Public Health and the California Tuberculosis Controllers Association, from University Employees. Cooperator will be responsible for subsequent certificates of completion as required by California State law.

California School Employee Tuberculosis Risk Assessment Questionnaire can be located at the California Department of Public Health's website, Tuberculosis Control Branch:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/TBCB.aspx>.

AGENDA ITEM

Agenda Title: Approval of 2024-2025 Designation of California Interscholastic Federation (CIF) Representatives to League
Meeting Date: August 29, 2024
Item: Consent

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

The Governing Board is asked to ratify Eureka High School Principal Rob Standish and Athletic Director Omar Khattab as CIF Representatives to the League.

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

Each year the Board must approve representatives to the CIF League. This is a legal requirement that league representatives be so designated.

STRATEGIC PLAN/PRIORITY AREA:

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

This is an annual action that is required by the Board as members of the California Interscholastic Federation (CIF).

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

There is no financial impact attached to this action.

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

Rob Standish, EHS Principal
Gary Storts, Superintendent

ATTACHMENTS:

Description

- 2024-2025 Designation of CIF Representatives at League

2024-2025 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE) no later than June 28, 2024.**

Eureka City Schools _____ School District/Governing Board at its August 29, 2024 meeting,
 (Name of school district/governing board) (Date)
 appointed the following individual(s) to serve for the 2024-2025 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES


NAME OF SCHOOL Eureka High School
 NAME OF REPRESENTATIVE Robert Standish POSITION Principal
 ADDRESS 1915 J Street CITY Eureka ZIP 95501
 PHONE 707-441-2508 FAX (707) 445-1956 E-MAIL standishr@eurekacityschools.org

NAME OF SCHOOL Eureka High School
 NAME OF REPRESENTATIVE Omar Khattab POSITION Athletic Director / Asst. Principal
 ADDRESS 1915 J Street CITY Eureka ZIP 95501
 PHONE 707-441-2530 FAX (707) 445-1956 E-MAIL khattabo@eurekacityschools.org

NAME OF SCHOOL _____
 NAME OF REPRESENTATIVE _____ POSITION _____
 ADDRESS _____ CITY _____ ZIP _____
 PHONE _____ FAX _____ E-MAIL _____

NAME OF SCHOOL _____
 NAME OF REPRESENTATIVE _____ POSITION _____
 ADDRESS _____ CITY _____ ZIP _____
 PHONE _____ FAX _____ E-MAIL _____

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Robert Standish Signature 
 Address 1915 J Street City Eureka Zip 95501
 Phone 707-441-2508 Fax (707) 445-1956

**PLEASE RETURN THIS FORM DIRECTLY TO THE CIF SECTION OFFICE.
 SEE FOLLOWING PAGE FOR CIF SECTION OFFICE CONTACT INFORMATION.**

AGENDA ITEM

Agenda Title: Approval of July 2024 Warrants

Meeting Date: August 29, 2024

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 July 2024.

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 July 2024, the District issued 312 warrants totaling \$5,990,638.99.

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

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▫ July 2024 Warrants

Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000245725	07/10/2024	Abercrombie, Melani E	01-5201	MILEAGE NOV - JUNE 2024		450.92
3000245726	07/10/2024	ADAMS COMMERCIAL GENERAL CONTRACTING, INC	23-6250	ALBEE STADIUM CONST.		997,216.90
3000245727	07/10/2024	ADVANCED SECURITY SYSTEMS	01-5804	Corp / DO / Tech / Freeze Standing PO		180.00
3000245728	07/10/2024	Amazon Capital Services	01-4310	Binder supplies Please Order	995.94	
				OPEN PO: Office Supplies	56.25	
				ORDER	1,691.21	
				ORDER: VAPA Supplies	1,163.87	
				ORDERED: Science Supplies	544.72	
				Supplies	1,479.42	
			12-4310	Order - Amazon	828.61	
			12-4351	ORDER-Amazon online	669.30	7,429.32
3000245729	07/10/2024	AT&T	01-5909	A.B. PHONE SVC	173.06	
				D.O. PHONE SVC	4,461.07	
				EHS ATHLETICS PHONE SVC	56.69	
				EHS PHONE SVC	1,032.91	
				GRANT PHONE SVC	114.41	
				LAF PHONE SVC	86.84	
				TECH PHONE SVC	113.37	
				WASH PHONE SVC	173.81	
				WINSHIP PHONE SVC	196.82	
				WINZLER PHONE SVC	29.12	
				ZANE PHONE SVC	224.73	
				ZOE PHONE SVS	222.79	6,885.62
3000245730	07/10/2024	BALFOUR	01-4310	EHS CERTIFICATE PAPER	234.66	
				EHS GRAD ITEMS	105.85	340.51
3000245731	07/10/2024	Baugh, Rebecca E	01-4310	PLATES/DONUTS/CHEESE		66.17
3000245732	07/10/2024	Boeing, Brian M	01-4310	SCIENCE CLASS SUPPLIES		58.02
3000245733	07/10/2024	Borgelin, Cortney R	01-5201	MILEAGE		5.63
3000245734	07/10/2024	BRAVO, JENNIFER	01-5800	TRANSLATION SVCS		70.00
3000245735	07/10/2024	Brownfield, Quincy C	01-4310	PBIS - SOM AWARD		30.00
3000245736	07/10/2024	CA ENERGY COMMISSION	01-5623	PRINCIPAL PMT ENERGY COMMISSION LOAN		19,322.21
3000245737	07/10/2024	CAL POLY HUMBOLDT SPONSORED PROGRAMS	01-5800	AP OPEN PO - MSW INTERN PROGRAM		1,193.53
3000245738	07/10/2024	CAPITAL LIVE SCAN	01-5861	LIVE SCAN FEES		390.00
3000245739	07/10/2024	CDE	13-4710	Open PO CAF FOOD SUPPLIES		508.95
3000245740	07/10/2024	CDW-G	01-4445	ORDER: EHS T202 Computer Lab	53,078.85	

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.

Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000245740	07/10/2024	CDW-G		ORDER: Winship B3 Computer Lab	48,655.62	101,734.47
3000245741	07/10/2024	Chalmers, Ella M	01-5201	MILEAGE		11.93
3000245742	07/10/2024	CHERPELIS, BRYCE	01-5800	EHS GRADUATION TECH SVCS	842.50	
				WINSHIP GRADUATION TECH SVCS	692.50	
				ZANE GRADUATION TECH SVCS	692.50	
				ZOE GRADUATION TECH SVCS	842.50	3,070.00
3000245743	07/10/2024	CITY OF EUREKA	01-5530	WATER - ALICE BIRNEY	1,814.30	
				WATER - EHS	9,880.75	
				WATER - TECH CENTER	546.44	
				WATER - ZANE	1,691.58	
				WATER - ZOE	1,006.35	
			12-5530	WATER - WINZLER CC	226.48	15,165.90
3000245744	07/10/2024	CITY OF EUREKA - ALARMS	01-5800	ZOE ALARM PERMIT FEE		20.00
3000245745	07/10/2024	Collins, Suzanne	01-5201	MILEAGE		20.84
3000245746	07/10/2024	Cox, Ashlynn R	01-4310	SCIENCE CLASS SUPPLIES		60.03
3000245747	07/10/2024	Cox, Holly C	01-4310	PAPER FOR WELLNESS CTR		12.53
3000245748	07/10/2024	CRAVEN, JOHN W DBA CRAVEN CONSTRUCTION	23-6210	EHS GYM INSPECTION SVCS	4,971.85	
				EHS SCIENCE BLDG INSPECTION SVC	5,086.85	
				EHS STADIUM INSPECTION SVC	5,692.20	15,750.90
3000245749	07/10/2024	Doherty, Brigitta J	01-4310	ART CLASS SUPPLIES		69.84
3000245750	07/10/2024	DOJ OFFICE OF THE ATTORNEY GENERAL	01-5861	Open PO for Volunteer Fingerprinting		812.00
3000245751	07/10/2024	DON'S RENT ALL	01-5623	{24-OK}BLANKET PO - Grounds	101.60	
				CHIPPER CREDIT	460.44-	
				CONTAINER MOVE	1,003.73	
				FLATBED RENTAL	450.11	1,095.00
3000245752	07/10/2024	ECOLAB PEST ELIMINATION DIVISN	73-4310	ZOE CULINARY KITCHEN PEST CONTROL		263.64
3000245753	07/10/2024	Eden, Daniel C	01-4310	WATER FOR GRADUATION		11.98
3000245754	07/10/2024	Egger, Shawna B	01-5201	MILEAGE		8.17
3000245755	07/10/2024	EUREKA ACE HARDWARE	01-4377	{24-OK}BLANKET PO: MAINT. SUPPLIES		28.00
3000245756	07/10/2024	EUREKA GLASS CO.	01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES.		315.03
3000245757	07/10/2024	EUREKA OXYGEN	01-4310	BPO Ag Mech		1,535.84
3000245758	07/10/2024	Evans, Ronda L	01-5201	MILEAGE	113.90	
			01-5210	CCSPP EMPOWER SUMMIT	342.44	456.34
3000245759	07/10/2024	EXPRESS EMPLOYMENT SERVICES	01-5800	SENIOR SECRETARY TEMP		623.45

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.

Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000245760	07/10/2024	FASTENAL COMPANY	01-4377	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES	12.63	
			01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES	50.23	62.86
3000245761	07/10/2024	Ferreira Cendejas, Daysy	12-4310	PROMOTION DAY SUPPLIES		40.22
3000245762	07/10/2024	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		295.02
3000245763	07/10/2024	Gast, Jamie K	01-5201	MILEAGE		38.39
3000245764	07/10/2024	Goddi, Martin	01-4310	BUBBLES FOR FIELD DAY	9.67	
				FIELD DAY BUBBLES	21.71	31.38
3000245765	07/10/2024	Gonsalves, Kari A	01-4310	PBIS INCENTIVES		10.99
3000245766	07/10/2024	Graeser, Megan M	01-4310	FALCON FUN FAIR ACTIVITY SUPPLIES		67.36
3000245767	07/10/2024	HCOE - HERC/PDO	01-5805	GRAD PROGRAMS	27.00	
				HONOR ROLL PROGRAMS	37.03	64.03
3000245768	07/10/2024	Huang, Jane	01-4310	WELLNESS CTR SNACKS		8.96
3000245769	07/10/2024	HUMB. NEUROHELATH THERAPEUTIC SVCS	01-5800	AWARE FEB-MAY 2024 THERAPEUTIC SVCS	30,000.00	
				AWARE JUN-AUG THERAPEUTIC SVCS	20,000.00	50,000.00
3000245770	07/10/2024	HUMBOLDT COMM SERVICES DIST	01-5530	WATER - LAF		1,590.64
3000245771	07/10/2024	HUMBOLDT FASTENERS	01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES		1,222.51
3000245772	07/10/2024	HUMBOLDT WASTE MANAGEMENT AUTH	01-5560	WASTE DISPOSAL		2,472.52
3000245773	07/10/2024	HUNTER COMMUNICATIONS	01-5800	OPEN PO - FIBER PROJ - EHS STADIUM		2,537.45
3000245774	07/10/2024	Hutcheon, Tara L	01-4310	FIELD DAY AND CLASS REWARDS		59.99
3000245775	07/10/2024	JENKINS, DANIELLE,	01-5861	FINGERPRINTING		30.00
3000245776	07/10/2024	Johnston, Jennifer J	01-4310	GRAD PROGRAMS GOAL 3		132.73
3000245777	07/10/2024	KEENAN SUPPLY	01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES.		13.06
3000245778	07/10/2024	Khattab, Omar M	01-5210	ATH DIRECTOR CONF. LODGING		292.16
3000245779	07/10/2024	LaRochelle, Melinda S	01-4310	LASER PRESENTATION CLICKER		46.97
3000245780	07/10/2024	Long, David d/b/a Long's Sports World	01-4310	STUDENT OF THE YEAR PLAQUES		109.25
3000245781	07/10/2024	LOST COAST SIGNS & SWAG	01-4381	SIGN - CAFETERIA		382.38
3000245782	07/10/2024	LOZANO SMITH LLP	01-5823	LEGAL FEES		11,296.53
3000245783	07/10/2024	Mandy, Hannah L	73-5801	FLIPS FOR KIDS FIELD TRIP		90.00
3000245784	07/10/2024	Marmon, Tiffany A	01-5201	MILEAGE		25.33
3000245785	07/10/2024	McDonnell, Megan	01-5801	FALCON FUN ACTIVITY SUPPLIES		321.50
3000245786	07/10/2024	Mcgarry, Maureen A	01-4310	ASES SUPPLIES LAF & GRANT		58.17
3000245787	07/10/2024	MENDES SUPPLY	01-4374	GYM FLOOR FINISH WINSHIP	5,129.54	

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.

Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000245787	07/10/2024	MENDES SUPPLY		GYM FLOOR FINISHING EHS	15,773.69	
			12-4374	CUSTODIAL SUPPLIES	15.67	20,918.90
3000245788	07/10/2024	Miller, Heather J	01-5201	MILEAGE		43.48
3000245789	07/10/2024	MISSION LINEN	01-5800	A/P LAUNDRY SERVICES	144.25	
				LAUNDRY SVCS	199.50	
			12-5800	WCC Open PO for Mission Linen biweekly rug service	31.41	375.16
3000245790	07/10/2024	OPTIMUM BUSINESS	01-5922	AP Open PO for Internet		252.93
3000245791	07/10/2024	Parker, Craig A	01-5801	CLASS FIELD TRIP		108.21
3000245792	07/10/2024	Pelren, Harmony	01-4310	EL EVENT SUPPLIES		92.47
3000245793	07/10/2024	PETTY CASH	13-4396	PETTY CASH REIMB.	19.21	
			13-4710	PETTY CASH REIMB.	178.30	197.51
3000245794	07/10/2024	PIERSON BLDG CENTER	01-4377	Maint/Grounds)Blanket PO for supplies	15.27	
			01-4381	Maint/Grounds)Blanket PO for supplies	487.56	502.83
3000245795	07/10/2024	Polizzi, Savannah M	01-4310	LIBRARY SUPPLIES		163.36
3000245796	07/10/2024	PPG ARCHITECTURAL FINISHES, IN	01-4381	{24-OK}BLANKET PO for Maintenance		53.29
3000245797	07/10/2024	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		1,736.98
3000245798	07/10/2024	Puzz, Kristi J	01-4310	IXL REWARD		119.00
3000245799	07/10/2024	Rollings, Jacquelyn R	01-4310	CERTIFICATE PAPER	13.10	
				STAFF MEETING REFRESHMENTS	30.73	43.83
3000245800	07/10/2024	SAN JOAQUIN CO. OFFICE OF ED.	01-5800	LEA MEDI-CAL BILLING SVCS		506.00
3000245801	07/10/2024	SCHMIDBAUER LUMBER CO	01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES		476.88
3000245802	07/10/2024	SCHOOL SPECIALTY LLC	01-4310	ORDER: ONLINE ORDER ATTACHED	7,409.83	
			01-4421	ORDER: 5th grade furniture for LA	1,310.45	
				ORDER: TK furniture for GR	6,532.79	15,253.07
3000245803	07/10/2024	SEQUOIA FLORAL INTERNATIONAL	01-4310	BPO Flowers for Floral		557.56
3000245804	07/10/2024	SHAFER'S HARDWARE	01-4310	Ag Floral Supplies	1,210.45	
				AG SUPPLIES	138.86	
			01-4374	GRANT CUSTODIAL SUPPLIES	48.02	
			01-4377	{24-OK}BLANKET PO: MAINT. SUPPLIES	19.67	
			01-4381	{24-OK}BLANKET PO: MAINT. SUPPLIES	68.66	1,485.66
3000245805	07/10/2024	SHRED AWARE LLC	01-5800	SHREDDING		80.86
3000245806	07/10/2024	Simoni, Alysha R	01-4310	SPED SUPPLIES		25.69
3000245807	07/10/2024	Social Thinking	01-4310	ORDER: ONLINE ORDER ATTACHED		12,045.10
3000245808	07/10/2024	SPURR	01-5511	AP Open PO Spurr All Sites		19,838.30
3000245809	07/10/2024	T-MOBILE	01-5921	HOTSPOTS		2,040.00
3000245810	07/10/2024	The Stepping Stones Group LLC	01-5800	OPEN PO for Speech services	17,661.50	

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Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000245810	07/10/2024	The Stepping Stones Group LLC		SPEECH THERAPY	13,093.00	30,754.50
3000245811	07/10/2024	THRIFTY SUPPLY CO	01-4381	BLANKET PO FOR MAINT. SUPPLIES		364.08
3000245812	07/10/2024	Traylor, Martina E	01-5800	NOTARY SVC FOREIGN EXCH DOCUMENTS		30.00
3000245813	07/10/2024	VARSIITY ICE CREAM	01-4310	FUN FAIR ACTIVITY - ICE CREAM		18.00
3000245814	07/10/2024	Wagner, Tammi Z	01-4310	PBIS AWRDS AND PRIZE		914.98
3000245815	07/10/2024	White, Julia S	01-5635	ART SUPPL VAPA		67.65
3000245816	07/10/2024	Wright, Laura C	01-4310	STAFF APPR. CAKE		23.37
3000245817	07/10/2024	Zystro, Lisa M	01-5201	MILEAGE		33.30
3000245818	07/10/2024	ADAMS COMMERCIAL GENERAL CONTRACTING, INC	23-6250	Invoice/Pay Request #1		670,667.70
3000245819	07/10/2024	Davis, Amy L	01-4310	PBIS SUPPLIES		96.46
3000245820	07/10/2024	White, Julia S	01-4310	AVID SUPPLIES REIMB.		260.75
3000246438	07/17/2024	Abercrombie, Melani E	01-4310	OFFIICE SUPPLIES	90.29	
			01-4393	CPI TRAINING REFRESH	82.12	172.41
3000246439	07/17/2024	Amazon Capital Services	01-4310	AREA RUG	592.66	
				ORDER-Zane Wellness Center Supplies	53.94	
				SUMMER SCH SUPPLIES	546.46	
			01-4374	Custodial Supplies (ship to EHS)	6,608.88	
			12-4310	AMAZON CM TAKEN 2X	165.36	
				WINZLER CC SUPPLIES	21.69	7,988.99
3000246440	07/17/2024	AMERICAN FOAM EXPERTS	01-6250	INVOICE		359,292.85
3000246441	07/17/2024	BANK OF MARIN	23-6250	Open PO		1,940.04
3000246442	07/17/2024	BANK OF MARIN	23-6250	Open PO		5,835.94
3000246443	07/17/2024	BAY TANK & BOILER WORKS	01-4381	{24-OK}BLANKET PO: parts & supplies for Maint.		399.56
3000246444	07/17/2024	Behrens, Edith L	01-5201	MILEAGE		26.40
3000246445	07/17/2024	BUSWEST	01-4362	{24-OK}OPEN PO: Thomas school bus replacemnt parts	142.46	
				BUS REPAIR PARTS	758.51	900.97
3000246446	07/17/2024	CALIF SCHOOLS DENTAL COALITION KEENAN & ASSOCIATES, ADMIN	68-9135	DENTAL JULY 2024		57,897.00
3000246447	07/17/2024	CALIF SCHOOLS DENTAL COALITION KEENAN & ASSOCIATES, ADMIN	68-9135	DENTAL - AUG 2024		57,897.00
3000246448	07/17/2024	CALIF. SCHOOLS VISION COALITN KEENAN & ASSOCIATES, ADMIN	67-9135	VISION AUG. 2024		7,885.00
3000246449	07/17/2024	CALIF. SCHOOLS VISION COALITN KEENAN & ASSOCIATES, ADMIN	67-9135	VISION JULY 2024		7,885.00

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3000246450	07/17/2024	CASA PACIFICA CENTERS CENTERS FOR CHILDREN & FAM	01-5852	RESIDENTIAL TRMT CTR		39,000.00
3000246451	07/17/2024	CDW-G	01-4445	ORDER: Lenovo 500e Chromebooks ORDER: Winship B3 Computer Lab	183,659.70 4,423.24	188,082.94
3000246452	07/17/2024	CHRIS CRINGLE DBA CHRIS CRINGLES SAW & CHAIN	01-5635	BLADE SHARPENING		120.00
3000246453	07/17/2024	CITY OF EUREKA	01-5530	AP D.O. / CORP YD WATER AP OPEN PO - WA WATER (NP) WATER - EHS	931.77 4,037.41 4,281.01	9,250.19
3000246454	07/17/2024	CONFAB	01-4400	NO ACTION Dumpster Quote		15,933.91
3000246455	07/17/2024	CORWIN PRESS	01-5800	SEND (see note)		6,500.00
3000246456	07/17/2024	COSTCO MEMBERSHIP	01-5300	MEMBERSHIP		240.00
3000246457	07/17/2024	CRISIS PREVENTION INSTITUTE	01-5300	YEARLY MEMBERSHIP		200.00
3000246458	07/17/2024	CRYSTAL CREAMERY	13-4710	DAIRY PRODUCTS		4,075.83
3000246459	07/17/2024	CSBA	01-5300	CSBA / ELA MEMBERSHIP CSBA GAMUT/POL	17,146.00 6,440.00	23,586.00
3000246460	07/17/2024	Deandreis, Mary	01-4310	MUSIC SUPPLIES REIMB.	167.25	
			01-5201	MILEAGE	114.17	281.42
3000246461	07/17/2024	EAN SERVICES, LLC	01-5210	RENTAL CAR TRANSP. RENTAL CARS AVID TRIP	335.48 551.36	886.84
3000246462	07/17/2024	EMPLOYMENT DEV. DEPT SUI 942-0209-0	01-9540	Q2 2024 SUI ACCT 94202090		4,494.49
3000246463	07/17/2024	EMPLOYMENT DEV. DEPT DE9W SDI ACCT 776-0020-3	01-9543	Q2 2024 SDI ACCT 77600203		34,734.36
3000246464	07/17/2024	ERIC WENNERHOLM DC,MS ACCURATE DRUG TESTING SERVICES	01-5864	OPEN PO:DOT driver's physical examination		100.00
3000246465	07/17/2024	EUREKA ACE HARDWARE	01-4374	FLOORS - WINSHIP		21.53
3000246466	07/17/2024	EUREKA NAPA AUTO	01-4310	BLANKET PO: Transportation/Motor Pool Parts TRANSPORTATION SUPPLIES	78.64- 44.66	
			01-4362	BLANKET PO: Transportation/Motor Pool Parts BUS REPAIR PARTS MOTORPOOL PARTS	583.29 649.21 158.43	1,356.95
3000246467	07/17/2024	EXPRESS EMPLOYMENT SERVICES	01-5800	EMPLOYMENT SVC		1,025.28
3000246468	07/17/2024	Feist, Paul	01-5210	POWERSCHOOL CONF.		335.48
3000246469	07/17/2024	FF&J ARCHITECTS INC.	23-6210	INVOICE: Architect Fees		89,815.68

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3000246470	07/17/2024	FOLLETT SCHOOL SOLUTIONS LLC FOLLETT EDUCATIONAL SERVICE	01-4341	DESTINY ANNUAL RENEWAL		12,401.33
3000246471	07/17/2024	FULCRUM MGMT SOLUTIONS THOUGHT EXCHANGE	01-4312	THOUGHT EXCH ANNUAL RENEWAL		28,417.97
3000246472	07/17/2024	Garon, Jennisah	01-5201	MILEAGE		12.12
3000246473	07/17/2024	GOSSELIN AND SONS	01-5635	FLAT REPAIR		101.17
3000246474	07/17/2024	Hackenberg, Joshua S	01-5210	EARLY CHILDHOOD SPECIAL ED CONF.		175.91
3000246475	07/17/2024	HANSEN, MATTHEW DBA NORTH VLY BUSINESS SYSTEMS	01-4310	MAIL MACHINE SUPPLIES		32.41
3000246476	07/17/2024	HARPER MOTORS Cancelled on 07/19/2024, Cancel Register # AP07242024		Cancelled CTE VAN		69,437.35 *
3000246477	07/17/2024	HUMBOLDT COMM SERVICES DIST	01-5530	GRANT WATER	720.37	
				WINSHIP WATER	1,232.27	1,952.64
3000246478	07/17/2024	HUMBOLDT WASTE MANAGEMENT AUTH	01-5560	SOLID WASTE DISPOSAL		7,296.31
3000246479	07/17/2024	JACK SCHREDER & ASSOC	01-5800	CONSULTING FEES		1,988.75
3000246480	07/17/2024	Johnson, Jennifer L	01-4393	PD LUNCH FOR SUMMERSCHOOL		751.05
3000246481	07/17/2024	JOSEPH, LAURA	01-5800	Q2 2024 BOARD POLICY REVISIONS		1,400.00
3000246482	07/17/2024	KATIE ALLEN	01-5800	ACES GRANT MOU SVCS		550.00
3000246483	07/17/2024	KEENAN SUPPLY	01-4381	ANALOG TIMER W/COVER		148.27
3000246484	07/17/2024	LOST COAST SIGNS & SWAG	01-4381	WINSHIP SIGNS	588.06	
				ZANE NO TRESSPASSING SIGNS	730.50	1,318.56
3000246485	07/17/2024	MATSON & VALLERGA ARCHITECTS	01-6210	CONSULTING RE GRANT CLASSROOM ADDITION		31,981.44
3000246486	07/17/2024	MENDES SUPPLY	01-4374	FLOOR FINISH EHS	1,044.90	
				FLOOR FINISH EHS GYM	1,916.47	2,961.37
3000246487	07/17/2024	Miller, Heather J	01-4393	REIMB, MEETING FOOD	52.12	
			01-5201	MILEAGE	50.79	102.91
3000246488	07/17/2024	MILTON, JEANNA DBA	01-5800	BEHAVIORAL SERVICES		13,530.75
3000246489	07/17/2024	MISSION LINEN	01-5800	LAUNDRY SVC	383.25	
			12-5800	WCC LAUNDRY SVC	31.41	414.66
3000246490	07/17/2024	Montero Cabrera, Ashley S	01-5210	POWERSCHOOL UNIV		228.00
3000246491	07/17/2024	NAPA AUTO PARTS OF EUREKA	01-4310	EHS AUTO PARTS	1,842.92	
			01-4377	{24OK}BLANKET (1)MAINT/GRNDS (2)MATERIALS/SUPPL'S	32.92	
			01-4382	Transp Blanket Shop Tools	1,429.02	3,304.86
3000246492	07/17/2024	NCS PEARSON	01-4310	psych testing credit on acct psych testing suppl	3,519.84- 1,205.83-	

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3000246492	07/17/2024	NCS PEARSON		psych testing supplies	4,757.90	32.23
3000246493	07/17/2024	NORTH COAST HEALTH IMPR & INFO NETWORK	01-5800	NC CARE CONNECT		300.00
3000246494	07/17/2024	NORTH COAST SIG WC C/O KEENAN SETECH	01-5450	NC SCHOOLS W.C. DUE 7-31-24		192,742.50
3000246495	07/17/2024	ORANGE COUNTY DEPT OF ED ATTN: JULIE GUNDLING, CTE PROG	01-5207	CTE 100 FALL 2024		1,200.00
3000246496	07/17/2024	OTIS ELEVATOR CO.	01-5881	FUEL CHARGE NAA FUEL CHARGE		95.00
3000246497	07/17/2024	PACIFIC COAST SECURITY	01-5851	SECURITY SVCS JUNE 2024		2,814.00
3000246498	07/17/2024	PAPE MATERIAL HANDLING	01-5635	MOWER REPAIRS		981.18
3000246499	07/17/2024	PIERSON BLDG CENTER	01-4381	Maint/Grounds)Blanket PO for supplies		363.32
3000246500	07/17/2024	POINTS WEST SURVEYING CO.	01-6171	JACOBS SURVEYING SVCS		2,445.00
3000246501	07/17/2024	POWERSCHOOL GROUP LLC	01-4312	SCHOOL MSGR PRESENCE 24-25 YR		500.00
3000246502	07/17/2024	PPG ARCHITECTURAL FINISHES, IN	01-4381	{24-OK}BLANKET PO for Maintenance		34.94
3000246503	07/17/2024	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		896.84
3000246504	07/17/2024	PRYOR, REBECCA	01-5800	WELLNESS FAIR MESSAGES		150.00
3000246505	07/17/2024	QUADIENT POSTAGE	01-5950	AP PREPAID POSTAGE		6,000.00
3000246506	07/17/2024	Racanac, Beverly K	01-4310	REWARD DAY SUPPLIES	131.49	
				SCIENCE CLASS SUPPLIES	68.15	199.64
3000246507	07/17/2024	RAS TECH CONSULTANTS INC	01-4312	PCSB DEV. CUSTOM REPORTS SUBSCRIPTION		625.00
3000246508	07/17/2024	RECOLOGY EEL RIVER	01-5565	E-WASTE		292.30
3000246509	07/17/2024	RECOLOGY HUMBOLDT COUNTY	01-5560	OPEN PO: Recycling - All Sites		4,333.01
3000246510	07/17/2024	REMI VISTA INC	01-5852	2ND EXTRA STAFF	2,530.00	
				FIRST EXTRA STAFF	2,365.00	
				JM SERVICES	3,217.50	8,112.50
3000246511	07/17/2024	Rogers, Kayla M	01-5801	PBIS FIELD TRIP - MINI-GOLF		930.00
3000246512	07/17/2024	Rollings, Jacquelyn R	01-4310	POWERSCHOOL CONF.		279.00
3000246513	07/17/2024	S & L FOOD SALES CO.	13-4396	Open PO: Food & Supplies	1,595.03	
			13-4710	Open PO: Food & Supplies	5,497.34	7,092.37
3000246514	07/17/2024	Santiago, Alexander	01-5720	Bendix training		1,238.39
3000246515	07/17/2024	SCHMIDBAUER LUMBER CO	01-4377	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES	22.62	
			01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES	334.82	357.44
3000246516	07/17/2024	SCHOOL INNOVATIONS & ADVOCACY	01-4312	[Liz handled]INV A2A ATTENDANCE ANNUAL RENEWAL		29,600.00
3000246517	07/17/2024	SCHOOL SPECIALTY LLC	01-4421	ORDER: 5th grade furniture for LA		7,855.55

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3000246518	07/17/2024	SHAFER'S HARDWARE	01-4381	{24-OK}BLANKET PO: MAINT. SUPPLIES		26.21
3000246519	07/17/2024	SHN CONSULTING ENGINEERS AND GEOLOGISTS	23-6271	ENGINEERING SVCS		20,500.45
3000246520	07/17/2024	SISC III	01-9537	MEDICAL - JULY 2024		621,873.00
3000246521	07/17/2024	STOCKTON, TAFFY	01-5800	ECS AWARE GRANT CONSULTING	3,000.00	
				SBMH GRANT CONSULTING	2,650.00	5,650.00
3000246522	07/17/2024	STOLPE, SARAH LYNN	01-5800	CALPADS CONSULTING		1,443.75
3000246523	07/17/2024	SYSCO	13-4396	OPEN PO: Food/Supplies	470.68	
			13-4710	OPEN PO: Food/Supplies	13,654.78	14,125.46
3000246524	07/17/2024	Telix Lozano, Mariela	01-5800	MENTAL HLTH SVCS		2,000.00
3000246525	07/17/2024	The Stepping Stones Group LLC	01-5800	SPEECH SVCS		114,891.00
3000246526	07/17/2024	THOMPSON BUILDERS		Cancelled Open PO	90,339.55	*
				TIRE REPAIRS	1,281.64	91,621.19 *
		Cancelled on 07/26/2024, Cancel Register # AP07302024				
3000246527	07/17/2024	THRIFTY SUPPLY CO	01-4381	BLANKET PO FOR MAINT. SUPPLIES		96.87
3000246528	07/17/2024	U.S. BANK CORPORATE PMT	01-4310	A/P Open COSTCO PO	121.76	
				ACCESSORIES - CARD READERS	61.98	
				AG FLOWER COOLER PART	75.13	
				ANCHOR CHARTS/STUDENT INCENTIVES	718.18	
				ART SUPPLIES	650.51	
				ASES - WASHINGTON SUPPLIES	463.25	
				ASES - ZANE PROGRAM SUPPLIES	1,196.26	
				ASES PROGRAM SUPPLIES	136.55	
				ASES SUPPLIES	1,256.82	
				BASEBALL RULES BOOKS	35.00	
				BASEBALL TRAVEL EXP	21.94	
				BASKETBALL SHOES	158.41	
				BASKETBALL SHOES - EHS	121.23	
				BOOK	93.00	
				BOOKS / LAMINATING SUPPLIES	111.20	
				BRACELETS FOR STUDENTS	229.50	
				BUS CLEANING SUPPLIES	84.04	
				CA SCHOLARSHIP FED. GRAD STOLES	871.87	
				CAASP TESTING SUPPLIES	1,079.40	
				CERTIF. APPRECIATION	530.89	
				CLASS SUPPLIES	2,201.51	
				CLASS TIMER	17.47	
				COMMUNITY SCHOOLS SUPPLIES	238.67	

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3000246528	07/17/2024	U.S. BANK CORPORATE PMT		CPI SNACKS	75.60	
				DOCKING STATION	326.34	
				DRY ERASE BOARDS FOR STUDENTS	278.40	
				EHS WELLNESS SUPPLIES	61.35	
				EXTRA-CURRICULAR - FISHING GEAR	138.93	
				FAMILY FEEDBACK MTG SUPPLIES	60.92	
				FOOTBALL/CHEER REGISTRATIONS	450.00	
				HOMEWORK FOLDERS	859.33	
				HTA M.V. BUS PASSES	201.00	
				INDIAN ED AREA MAPS	189.69	
				INDIAN ED GRAD SUPPLIES	325.50	
				INDIAN ED MIDDLE SCH SUPPLIES	87.36	
				INDIAN ELEM. SUPPLIES	262.60	
				INVOICE STAMP	39.16	
				LABELS	30.50	
				LAF WELLNESS SUPPLIES	504.19	
				LAMINATING FILM	81.51	
				LAPTOP CHARGER	176.24	
				LIBRARY BOOKS	555.82	
				LINKING CUBES	69.90	
				MARKERS FOR ANCHOR CHARGS	99.48	
				MFRC FOOD PANTRY	430.35	
				MICROPHONE AND HOLDERS FOR ASSEMBLIES	149.07	
				NATIVE CULTURAL BOOKS	37.40	
				OFFICE MAILING	111.43	
				OFFICE SUPPLIES	1,099.66	
				OFFICE TREATS	94.74	
				OPEN HOUSE (ASB SENT CK #1543)	274.67	
				OPEN HOUSE PARENT ENGAGEMENT	159.87	
				OPEN HOUSE SNACKS	16.07	
				OPEN HOUSE SUPPLIES	147.37	
				PARENT PROJECT	401.25	
				PBIS AWARDS	10.99	
				PBIS CANDY	64.60	
				PBIS INCENTIVES	190.82	
				PBIS STUDENT OF THE MONTH	28.00	
				PD SUPPLIES	397.66	

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3000246528	07/17/2024	U.S. BANK CORPORATE PMT		PE / HEALTH ITEMS - STU @ EHS	162.23	
				PE ITEM FOR A.M. @ ZOE	33.75	
				PE SHOES	66.40	
				PENCIL SHARPENER	30.21	
				PIPE CLEANERS	33.86	
				PRESENTER MOUSE	16.38	
				READING CURRICULUM	198.00	
				REFUND - ROLLING CART	43.69-	
				RESTORATIVE POSTERS	158.14	
				RFEP - ASES - SEES CANDY	383.50	
				SAFETY & SECURITY SUPPLIES (MAUROFF)	281.00	
				SAFETY AND SECURITY SUPPLIES	230.30	
				SAGE TRIP TRAVEL EXP	89.45	
				SENSORY FIDGETS	44.78	
				SIDEWALK CHALK	31.67	
				SOCCER REGISTRATION	420.00	
				SSC MTG SNACKS	37.23	
				STEAMER FOR GRAD GOWNS	239.26	
				STUDENT AWARDS / CELEBRATION	156.89	
				STUDENT INCENTIVES	154.72	
				STUDENT OF MONTH AWARDS	32.61	
				STUDENT OF MONTH PRIZE	15.00	
				STUDENT OF THE MONTH PRIZE	96.26	
				STUDENT WIPEBOOK FLIPCHARTS	81.98	
				SUPPLEMENTAL CURRICULUM	29.84	
				TEACHER OF THE YEAR AWARD	43.09	
				TITLE 1 BOOKS	417.50	
				TITLE 1 SUPPLIES	417.57	
				TOTES FOR CHROMEBOOKS	808.23	
				TRAUMA PLAY THERAPY	31.67	
				WELLNESS ACADEMY SUPPLIES	149.46	
				WHITEBOARDS	102.68	
				WORKBOOKS	235.88	
				YEARBOOK STICKERS	21.62	
			01-4312	KAHOOT SUBSCRIPTION	285.48	
				QUICKBOOKS MONTHLY SUBSCR	7.50	
			01-4341	AI CHATGPT FOR TEAMS	354.00	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000246528	07/17/2024	U.S. BANK CORPORATE PMT		DOMAIN REGISTRATION VIRTUAL ACADEMY	131.97	
				MICROSOFT CLOUD BACKUPS	671.82	
				ZOOM LICENSES	79.95	
			01-4364	BUS LIGHTS	63.12	
				BUS SHOP SUPPLIES	131.03	
				BUS SHOP TOOLS	83.30	
			01-4381	LOCKSHIP SUPPLIES	33.86	
				WIN/ZANE SCOREBOARD CONTROLS	74.24	
			01-4393	APPRECIATION REFRESHMENTS	154.10	
				BOARD MEETING DINNER	141.72	
				CABINET LUNCH	358.34	
				D.O. MEETING REFRESHMENTS	47.14	
				DELA C MEETING REFRESHMENTS	172.04	
				EXEC. COUNCIL REFRESHMENTS	38.95	
				FAMILY FEEDBACK REFRESHMENTS	143.64	
				FAMILY MIXER REFRESHMENTS	191.88	
				INCORRECT ORDER - CREDIT	47.09-	
				INCORRECT ORDER - WAS CREDITED	47.09	
				INDIAN ED MEETING REFRESHMENTS	192.11	
				LUNCH FOR NEGOTIATIONS	55.63	
				MEETING FOOD	208.08	
				NATIVE AMERICAN CULTURAL ACTIVITY	40.18	
				NATIVE CULTURAL ACTIVITIES	40.18	
				NATIVE CULTURAL ACTIVITIES REFRESHMENTS	49.01	
				PD REFRESHMENTS	406.75	
				PRINCIPAL'S MTG DINNER	85.46	
				REFRESHMENTS FOR NEGOTIATIONS	70.09	
			01-4400	TECH EQUIPMENT	874.34	
				MICROPHONES/CABLE MGMT/ BATTERIES		
			01-4445	COMPUTER PARTS	475.39	
			01-4459	PERIFERALS/COMPUTER KEYBOARD	33.75	
			01-5207	CAREER COMPASS SUMMIT REGIST.	50.00	
				CEA WEBINAR REG. FEE	399.00	
			01-5210	ADD'L CREDENTIAL D. BROOKS	102.65	
				ADULT ED CONFERENCE PARKING	25.00	

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3000246528	07/17/2024	U.S. BANK CORPORATE PMT		AG - STATE FINALS @ CAL POLY SLO	3,438.24	
				AG - STATE FINALS TRAVEL CAL POLY SLO	1,618.80	
				BASEBALL TRAVEL EXP	881.44	
				BIG PICTURE - TRAVEL EXPENSE	285.15	
				BOOST CONF. TRAVEL	1,756.39	
				CABINET LUNCH @ C/R	59.28	
				CAREER COMPASS SUMMIT TRAVEL EXP	161.60	
				CASTO TRAINING	399.00	
				ETHNIC STUDIES TRAVEL - OBSERVATION	593.91	
				FFA TRIP LODING	7,468.85	
				HOTEL ROOM CREDIT	191.68-	
				INDIAN ED SU-MEG CONFERENCE	100.00	
				MTSS CONFERENCE REG.	499.00	
				PROJECT AWARE CONF. TRAVEL	890.51	
				SAGE CONF. TRAVEL EXP	345.70	
				SAGE TRIP TRAVEL EXP	994.38	
				01-5300 AMAZON PRIME MEMBERSHIP	16.38	
				01-5612 ATHLETIC STORAGE	265.00	
				01-5618 GOLF VAN RENTALS	266.92	
				01-5800 B&B TOILETS FOR POWDERPUFF	654.11	
				CAMPUS SECURITY BIKE REPAIR	26.46	
				GOLF CART TIRE REPAIR	10.00	
				01-5831 ADVERTISING	488.64	
				CONSTANT CONTACT ADVERTISING	35.00	
				FACEBOOK ADS	153.82	
				01-5881 POLICE REPORT FOR BUS ACCIDENT	10.00	
				01-5950 POSTAGE - MAILER	68.00	
				POSTAGE FOR ESSER III GAN	8.73	
	POSTAGE FOR MENTAL HLTH GRANT	8.97				
	11-5210 ADULT ED CONF. - FUEL	272.11				
	ADULT ED CONF. MEALS	40.95				
	CCAЕ ADULT ED CONF.	1,019.97				
	CONFERENCE MEALS	35.78				
	12-4310 DIGITAL BOOK	2.40				
	13-4396 CAFETERIA SUPPLIES - NON FOOD	1,304.34				
	13-4710 CAFETERIA FOOD	285.21				

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3000246528	07/17/2024	U.S. BANK CORPORATE PMT	23-6271	CA STATE WATER BOARD TESTING - EHS ALBEE STADIUM	1,043.94	
			73-4310	ART SUPPLIES	58.98	
				LIBRARY SUPPLIES	741.63	
				Unpaid Tax	74.03-	56,485.39
3000246529	07/17/2024	U.S. BANK EQUIPMENT	01-5623	CORP YARD COPIER LEASE 500-0582294		124.33
3000246530	07/17/2024	VERIZON WIRELESS	01-4445	VERIZON - TECH	279.17	
				VERIZON NEW EQUIP	2,582.26	
			01-5921	VERIZON POLICE	51.63	
			01-5922	VERIZON - BUSINESS SVCS	38.01	
				VERIZON BOARD	342.09	
				VERIZON DIST. LEARNING	190.05	
				VERIZON HBTS	104.26	3,587.47
3000246531	07/17/2024	WALKLEY, MEG	01-5800	REFLECTIVE PRACTICE SUPPORT		2,000.00
3000246532	07/17/2024	WILDWOOD SAW	01-4377	GROUNDS SUPPLIES		97.64
3000246533	07/17/2024	Alameda County Office of Educ	01-5210	INVOICE-Please Pay (CS Conference)		600.00
3000247038	07/24/2024	AMERICAN FOAM EXPERTS	01-6250	EHS MAIN BUILDING ROOFING		306,157.26
3000247039	07/24/2024	ANIXTER INC	01-4381	{24-OK}BLANKET PO FOR MATERIALS AND SUPPLIES	67.39	
				BLANKET PO for Materials & Supplies	1,685.17	1,752.56
3000247040	07/24/2024	ASAP ADMINISTRATIVE SOFTWARE APP	11-4312	[Liz handled]A/P 2024-2025 ASAP ANN'L SUBSCR		7,588.87
3000247041	07/24/2024	AVID CENTER	01-5207	2024 AVID SUMMER INST		4,146.00
3000247042	07/24/2024	B&B PORTABLE TOILETS	01-5800	CREDIT FOR MISSED SVC	120.00-	
				GRAD B & B SPLIT COST	369.66	
				GRADUATION B&B SPLIT COST	369.67	619.33
3000247043	07/24/2024	BICOASTAL MEDIA	01-5831	GRADUATION ADVERTISING		250.00
3000247044	07/24/2024	BRINKS INCORPORATED	01-5800	COURIER SERVICE		190.55
3000247045	07/24/2024	BSN SPORTS	01-4310	PE SUPPLIES		671.60
3000247046	07/24/2024	CAPITAL LIVE SCAN	01-5861	LIVE SCAN FEES		510.00
3000247047	07/24/2024	CATAPULTK12	01-5800	EMS SET UP /ONLINE MGMT TR/EMS SVC FEE/VIRTUAL TRNG		9,238.50
3000247048	07/24/2024	ClassLink	01-4341	ClassLink Renewal 2024-25		15,452.70
3000247049	07/24/2024	Cloutier, Holly M	13-5201	MILEAGE		15.41
3000247050	07/24/2024	COMING ATTRACTIONS	01-5715	STUDENT FIELD TRIPS		154.00
3000247051	07/24/2024	Community Partners	01-4312	ANNUAL MBRSHIP - SCALING STUDENT SUCCESS		4,000.00
3000247052	07/24/2024	CORWIN PRESS	01-5207	PO Sent & Regist form attached		3,643.64

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3000247053	07/24/2024	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		4,424.36
3000247054	07/24/2024	DAZEY'S ARCATA	01-4377	GROUND SUPPLIES - VINEGAR		637.93
3000247055	07/24/2024	DOJ OFFICE OF THE ATTORNEY GENERAL	01-5861	FINGERPRINTING`		776.00
3000247056	07/24/2024	Dominguez, Viviana	01-4310	MILEAGE		6.43
3000247057	07/24/2024	Dutra, Laurie J	01-4310	MILEAGE		49.31
3000247058	07/24/2024	E.L.ACHIEVE INC.	01-5300	A/P Annual renewal 2024-2024		5,000.00
3000247059	07/24/2024	ECOLAB PEST ELIMINATION DIVISN	12-5800	WINZ.ER - PEST SVCS		250.00
3000247060	07/24/2024	EUREKA ACE HARDWARE	01-4310	{24-OK}OPEN PO: Transp: Parts and supplies	68.92	
			01-4362	{24-OK}OPEN PO: Transp: Parts and supplies	10.76	
			01-4381	{24-OK}BLANKET PO: MAINT. SUPPLIES	12.92	92.60
3000247061	07/24/2024	EUREKA OXYGEN	01-5623	{24-OK}Open PO for tank rentals		212.50
3000247062	07/24/2024	FASTENAL COMPANY	01-4362	{24-OK}BLANKET PO Transp parts and supplies		2.51
3000247063	07/24/2024	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		1,202.11
3000247064	07/24/2024	GOLDEN GATE BRIDGE	01-5210	TOLL CHARGE FOR AG TRAVEL		9.75
3000247065	07/24/2024	GOSSELIN AND SONS	01-5635	BLANKET PO For Materials & Supplies	30.00	
				MOTORPOOL TIRE ROTATION	90.00	120.00
3000247066	07/24/2024	HARPER MOTORS	01-6400	AG VAN PURCHASE SPLIT COST	20,831.91	
				AG VAN PURCHASE SPLIT PMT	20,831.91	41,663.82
3000247067	07/24/2024	HUMBOLDT WASTE MANAGEMENT AUTH	01-5560	SOLID WASTE DISPOSAL		761.94
3000247068	07/24/2024	Khounsinvong, Chellyn N	01-4310	MILEAGE		17.49
3000247069	07/24/2024	Le-Dickinson, Genie T	01-4310	MILEAGE		9.92
3000247070	07/24/2024	Lindsay Educational Foundation For Learning	01-5800	CONSULTING VISIT 6-3-24		5,000.00
3000247071	07/24/2024	LOST COAST COMMUNICATION INC.	01-5831	ADVERTISING		360.00
3000247072	07/24/2024	MAC'S REFRIGERATION SERVICE	13-5800	Open PO:EmergencyRefrigerat'nRepairs		646.79
3000247073	07/24/2024	McCarthy, Leonard R	01-4310	MILEAGE		18.69
3000247074	07/24/2024	MENDES SUPPLY	01-4374	SUMMER FLOORS	416.62	
			13-4396	OPEN PO: CK Supplies	96.25	512.87
3000247075	07/24/2024	MILLER FARMS NURSERY	01-4377	BLANKET PO For Materials & Supplies	1,054.51	
			01-4381	BLANKET PO For Materials & Supplies	398.66	1,453.17
3000247076	07/24/2024	MISSION LINEN	01-5800	LAUNDRY SVC		127.50
3000247077	07/24/2024	NAT'L CTR FOR EXEC LEADERSHIP AND SCHOOL BOARD DEV.	01-5800	SUPERINTENDENT ADVISOR 7-1-24 - 12-31-24		2,750.00

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3000247078	07/24/2024	NILSEN FEED	01-4377	BLANKET PO - GROUNDS		603.05
3000247079	07/24/2024	NORTH COAST SIG C/O KEENAN SETECH	01-5450	2024-2025 NC SCHOOLS MEMBER CONTRIBUTION		617,620.00
3000247080	07/24/2024	NORTHCOAST PARTNERS INC DBA CRYSTAL SPR BOTTLED WATER	01-5800	A/P OPEN PO EHS WATER SERVICE	94.00	
				A/P OPEN PO FOR ZANE WATER SERVICE	44.00	
				AP Water DO/Tech/Elem/Winzler	238.00	
				AP Winship Open PO for Bottled water	108.00	484.00
3000247081	07/24/2024	PARTY PLACE	01-5628	COTTON CANDY MACHINE RENTAL		163.88
3000247082	07/24/2024	PIERSON BLDG CENTER	01-4377	BLANKET PO For Maint/Grounds Supplies	208.94	
			01-4381	BLANKET PO For Maint/Grounds Supplies	599.92	
				Maint/Grounds)Blanket PO for supplies	64.40	
			23-6250	EHS SERVING LINE	195.17	1,068.43
3000247083	07/24/2024	PLATT ELEC SUPPLY INC	01-4381	BLANKET PO For Maintenance & Supplies		1,077.46
3000247084	07/24/2024	S & L FOOD SALES CO.	13-4396	Open PO: Food & Supplies	209.43	
			13-4710	Open PO: Food & Supplies	4,621.81	4,831.24
3000247085	07/24/2024	Scheffler, Catrina A	01-4310	SUMMER SCH SUPPLIES		124.77
3000247086	07/24/2024	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO For Materials & Supplies		1,400.21
3000247087	07/24/2024	SECURITY LOCK AND ALARM	01-4381	BLANKET PO For Services		251.28
3000247088	07/24/2024	SHAFER'S HARDWARE	01-4377	BLANKET PO For Maintenance & Supplies		102.64
3000247089	07/24/2024	SMITH, RACHEL	01-5861	FINGERPRNTING REIMBE		30.00
3000247090	07/24/2024	Sorden, Jeana S	01-4310	MILEAGE		18.89
3000247091	07/24/2024	Staples	01-4310	OPEN PO: Office Supplies		53.49
3000247092	07/24/2024	SYSCO	13-4396	OPEN PO: Food/Supplies	290.02	
			13-4710	OPEN PO: Food/Supplies	13,422.36	13,712.38
3000247093	07/24/2024	Temme, Christopher J	01-4310	MILEAGE		19.23
3000247094	07/24/2024	THRIFTY SUPPLY CO	01-4381	BLANKET PO For Maintenance Supplies		4.99
3000247095	07/24/2024	Traylor, Martina E	01-5210	POWERSCHOOL TRAVEL REIMB.		495.38
3000247096	07/24/2024	U.S. BANK CORPORATE PMT	01-4310	BCBA STUDENT SUPPL	361.31	
				BCBA STUDENT SUPPLIES	287.60	
				CASE WORKER SUPPLIES	76.61	
				EHS ART SUPPLIES	1,192.59	
				OFFICE SUPPLIES	423.48	
				ORDER (Lakeshore)	1,030.36	
				ORDER: Ag Bio Supplies	1,139.04	
				ORDER: harborfreight.com - Carts for Welding	1,055.62	

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3000247096	07/24/2024	U.S. BANK CORPORATE PMT		ORDER: oneida-air.com Duct Supplies for Woodshop	553.22	
				ORDER: SpEd Supplies	75.80	
				ORDER:www.restockit.com:Binders for Students	2,440.94	
				ORDERED: Science Supplies	136.91	
				OT STUDENT SUPPL	18.55	
				OT STUDENT SUPPLIES	104.65	
				SHIRTMAX-com T-Shirts	1,801.16	
				SPEECH SUPPLIES	105.24	
			01-4400	ORDER: kingarthurbaking.com-Stand Mixers	2,457.96	
			01-9320	VFS Restock COSTCO	400.82	
			12-4310	Lakeshore online	807.46	
				WINZLER CC SUPPLIES	1,521.89	15,991.21
3000247097	07/24/2024	U.S. BANK CORPORATE PMT	01-4421	SEE NOTES: Easels for Elementary classrooms		1,035.80
3000247098	07/24/2024	UBEO BUSINESS SERVICES	01-5623	BRIDGES COPIER MAINT	24.15	
			01-5637	BPO BUS/FISCAL SVCS UBEO MAINT AGR	45.61	
				BPO HR UBEO MAINT AGR	637.31	
				BPO MFRC UBEO MAINT	50.44	
				BPO RECEPTION & RM 112 - UBEO MAINT AGR	632.83	
				BPO SUPER MAINT AGR	325.65	
				BPO TECH UBEO MAINT AGR	30.59	
				BPO WASH -UBEO MAINT AGR	1,017.06	
				BPO WINSHIP UBEO MAINT AGR	429.11	
				BPO ZB CIS H&H UBEO MAINT AGR	179.75	
				ED SERVICES UBEO MAINT. AGR	284.90	3,657.40
3000247099	07/24/2024	UBEO BUSINESS SERVICES	01-6400	CORP YARD COPIER AND PRINTER FOR		6,006.57
3000247100	07/24/2024	UNITED RENTALS	01-5623	FORKLIFT RENTAL		1,959.57
3000247101	07/24/2024	US BANK CORPORATE PMT	01-4310	ORDER (musicarts.com)		1,169.71
3000247102	07/24/2024	VALLEY PACIFIC	01-4364	Open PO for EHS Athletics Gas		221.28
3000247103	07/24/2024	VALLEY TIRE, INC	01-4366	SHOP SUPPLIES		1,281.64
3000247104	07/24/2024	WASHINGTON USD	01-5210	ASB TRAINING KAYLA ROGERS		75.00
3000247105	07/24/2024	WHITCHURCH ENGINEERING, INC.	01-6275	BUS CHARGER INSTALLATION		19,200.00
3000247106	07/24/2024	WILLIAMS, MELANIE	01-4310	SUMMER ELOP PROG SUPPL		224.45
3000247107	07/24/2024	Woods, Clara J	13-5201	MILEAGE		7.50

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3000247108	07/24/2024	Worthington Direct	01-4310	copy2fy25? ZB/ZA WellspaceFurniture		6,237.84
3000247109	07/24/2024	U.S. BANK CORPORATE PMT	01-5210	2 HOTELS! Hampton/Oxford		4,465.21
3000247741	07/31/2024	ADVANCED SECURITY SYSTEMS	01-4389	RADIO BATTERY FOR DO		280.56
3000247742	07/31/2024	AMERICAN FOAM EXPERTS	01-6250	EHS MAIN BLDG ROOFING		104,441.94
3000247743	07/31/2024	AT&T	01-5909	A/P OPEN PO for 939 phones - All Sites		6,875.44
3000247744	07/31/2024	BLICK ART MATERIALS	01-4310	ORDER: Art Supplies		562.64
3000247745	07/31/2024	BUSWEST	01-4362	BUS REPAIR PARTS		1,163.94
3000247746	07/31/2024	CAMPION ELECTRIC	01-4381	BLANKET PO for Materials	297.42	
			23-6250	EHS SERVING LINE	198.75	496.17
3000247747	07/31/2024	CDW-G	01-4310	ORDER (new quote): Projector Supplies	7,185.32	
			01-4445	ORDER: Lenovo 500e Chromebooks	17,721.55	24,906.87
3000247748	07/31/2024	CITY OF EUREKA	01-5530	A.B. WATER	1,093.36	
				EHS WATER	8,351.86	
				TECH - WATER	546.44	
				WATER - ZANE	5,544.50	
				WATER - ZOE	1,130.65	
			12-5530	WATER - WCC	338.35	17,005.16
3000247749	07/31/2024	COALITION FOR ADEQUATE	01-5300	MEMBERSHIP		559.00
3000247750	07/31/2024	Cox, Holly C	01-5861	DOJ / FBI COR		109.00
3000247751	07/31/2024	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		2,249.68
3000247752	07/31/2024	da Costa, Mario J	01-5210	CBO MENTOR PROG TRAVEL		2,104.28
3000247753	07/31/2024	DON'S RENT ALL	01-4381	BLANKET PO - Grounds	16.33	
			01-5623	BLANKET PO - Grounds	21.23	37.56
3000247754	07/31/2024	ECS REVOLVING FUND	01-5950	REIMB ECS REV. CK #11446	1,000.00	
			01-6171	CITY OF EUREKA SUBDIVISION APPL REIMB ECS REVOLVING	1,200.00	2,200.00
3000247755	07/31/2024	EIDE BAILLY	01-5800	AUDIT SERVICES		23,100.00
3000247756	07/31/2024	EUREKA ACE HARDWARE	01-4374	CUSTODIAL SUPPLIES		4.30
3000247757	07/31/2024	EXPRESS EMPLOYMENT SERVICES	01-5800	TEMPORARY PERSONNEL		474.78
3000247758	07/31/2024	FF&J ARCHITECTS INC.	23-6210	INVOICE: Architect Fees		205,570.70
3000247759	07/31/2024	Forbes, Kara T	01-5210	CATA CONF. 3024 @ SLO		348.00
3000247760	07/31/2024	HUNTER COMMUNICATIONS	01-5800	DARK FIBER LINES		2,575.51
3000247761	07/31/2024	JACK SCHREDER & ASSOC	01-5800	PROFESSOINAL FEES		2,312.50
3000247762	07/31/2024	Johnson, Jennifer L	01-4393	ETA MTG LUNCH		35.97
3000247763	07/31/2024	KEENAN SUPPLY	01-4381	BLANKET PO For Materials & Supplies		429.07
3000247764	07/31/2024	MENDES SUPPLY	01-4374	SUMMER FLOORS - WASHINGTON	372.29	
				SUMMER FLOORS - ZANE	989.66	1,361.95
3000247765	07/31/2024	MISSION LINEN	01-5800	COVERALLS	51.00	

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3000247765	07/31/2024	MISSION LINEN	12-4374	RUG/LINEN	31.41	82.41
3000247766	07/31/2024	NILSEN FEED	01-4377	BLANKET PO - GROUNDS		88.46
3000247767	07/31/2024	OPTIMUM BUSINESS	01-5922	CABLE INTERNET BACKUP		252.94
3000247768	07/31/2024	PACIFIC GAS AND ELECTRIC CFM/P PC DEPT	40-6405	CY NGOM SMART METERS		2,592.99
3000247769	07/31/2024	PACIFIC GAS AND ELECTRIC CO Attn: SELF-GENERATION PROG	01-5520	A.B. GAS & ELECT.	3,777.02	
				DO / CY GAS & ELECT.	14,854.16	
				EHS GAS & ELECT.	28,735.38	
				GRANT GAS & ELECT	2,821.46	
				LAF GAS & ELECT.	3,101.98	
				TECH GAS & ELECT.	3,081.01	
				WASHINGTON GAS & ELECT.	3,585.14	
				WINSHIP GAS & ELECT.	5,382.90	
				ZANE GAS & ELECT	5,663.66	
				ZOE GAS & ELECT.	2,174.17	
			12-5520	WCC GAS & ELECT.	864.78	74,041.66
3000247770	07/31/2024	PEAR DECK	01-4310	SEND		9,960.75
3000247771	07/31/2024	PIERSON BLDG CENTER	01-4377	Maint/Grounds)Blanket PO for supplies	164.10	
			01-4381	MAINT SUPPLIES	132.14	
				MAINT. SUPPLIES	13.86	
				Maint/Grounds)Blanket PO for supplies	8.85	318.95
3000247772	07/31/2024	PLATT ELEC SUPPLY INC	01-4381	{24-OK}BLANKET PO FOR MAINTENEANCE SUPPLIES		44.98
3000247773	07/31/2024	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO For Maintenance NO ACTION Paint Supplies	244.36	
					11,009.50	11,253.86
3000247774	07/31/2024	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		2,185.48
3000247775	07/31/2024	QUADIENT LEASING	01-5623	QUARTERLY LEASING		1,599.95
3000247776	07/31/2024	Ralston, Kevin R	13-5201	MILEAGE		50.25
3000247777	07/31/2024	S & L FOOD SALES CO.	13-4710	Open PO: Food & Supplies		1,296.34
3000247778	07/31/2024	Sarvinski, Alissa	01-5210	CATA CONF.2024 @ SLO		348.00
3000247779	07/31/2024	SCHOOL SPECIALTY LLC	01-4310	ORDER (See Notes for Delivery Instructions)	1,386.64	
				RUSH/ORDER: Back-to-School fair supplies	4,706.30	6,092.94
3000247780	07/31/2024	SHN CONSULTING ENGINEERS AND GEOLOGISTS	23-6271	PROFESSIONAL SERVICES		385.00
3000247781	07/31/2024	SHRED AWARE LLC	01-5800	SHREDDING		970.32

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.

Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000247782	07/31/2024	SPURR	01-5511	AP Open PO Spurr All Sites	13,117.49	
			12-5511	AP Open PO Spurr All Sites	280.49	13,397.98
3000247783	07/31/2024	SYSCO	13-4396	OPEN PO: Food/Supplies	299.66	
			13-4710	OPEN PO: Food/Supplies	3,024.77	3,324.43
3000247784	07/31/2024	THOMPSON BUILDERS	23-6250	REPL CK 3000246526		90,339.55
3000247785	07/31/2024	THRIFTY SUPPLY CO	01-4381	BLANKET PO For Maintenance Supplies		53.70
3000247786	07/31/2024	U.S. BANK CORPORATE PMT	01-4310	8TH GR CLASS PHOTOS	166.72	
				8TH GRADE DANCE / DINNER DECORATIONS	507.25	
				A/P Open COSTCO PO	529.69	
				ART OF IN-SCHOOL SUSPENSION BOOK	48.45	
				ASES - A.B. PIZZA	206.80	
				ASES - A.B. SUPPLIES	163.87	
				ASES - ALL SITES SUPPLIES	195.65	
				ASES - GRANT SUPPLIES PIZZA	358.92	
				ASES - WASH SUPPLIES	425.46	
				ASES - ZANE SUPPLIES	226.88	
				ASES PROGRAM SUPPLIES	782.38	
				ASES SUPPLIES	177.71	
				ASES SUPPLIES - BROOKS	237.27	
				ASES WA SUPPLIES	286.50	
				ASES WASHINGTON PIZZA	722.24	
				ATHLETIC SHOES EJ - ZOE	151.86	
				ATHLETIC SHOES N.M. ZOE	70.98	
				AWARD SUPPLIES	21.53	
				BASKETBALL FOR NM - ZOE	42.73	
				BCBA STUDENT SUPPLIES	76.93	
				BIKE FOR FY ZB STUDENT K	129.96	
				BINDERS FOR ZANE	408.82	
				BOXES FOR SCI WING MOVING	103.79	
				CAKES - EOYD	127.92	
				CAMPING TENT FOR BRUSH DANCE CEREMONY	161.61	
				CERTIFICATE PAPER	48.05	
				CHALK FOR FIELD DAY	80.79	
				CLASS SUPPLIES	48.17	
				COMMUNITY PARTNER MIXER	41.84	
				COMMUNITY SCHOOLS SUPPLIES	161.39	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000247786	07/31/2024	U.S. BANK CORPORATE PMT		DAY QUOTES FOR STUDENTS	100.00	
				EHS SUMMER SCHOOL SUPPLIES	1,490.44	
				FALCON FUN FAIR SCHOOL EVENT REFRESHMENTS	86.45	
				FOLDER FASTENERS	42.58	
				FOOD PANTRY	135.57	
				FOOTBALL CLEATS BM - EHS	152.95	
				FY YEARBOOK	56.00	
				GRADUATION SUPPLIES	35.94	
				IEP EXIT PARTY SUPPLIES	98.40	
				J Willard award	245.05	
				LANTINX GRAND STOLES	430.91	
				LEADERSHIP MTG REFRESHMENTS	129.23	
				LUNCH FOR PROMOTION SPEECH	82.02	
				TRYOUTS		
				LUNCH ON THE LAWN PIZZA	65.22	
				MEDALS FOR PROMOTION	166.06	
				MUSIC CLASS SUPPLIES	211.75	
				NATIVE AMERICAN CEREMONY SUPPLIES	482.33	
				NATIVE AMERICAN MTG SUPPLIES	24.99	
				NATIVE AMERICAN SR. RECOGNITION DINNER	416.55	
				OFFICE SUPPLIES	1,346.01	
				OFFICE SUPPLIES / BOOKS	186.55	
				ORDER: SpeedStacks.com: SmrScI supplies	3,255.00	
				ORDER: stemfinity.com: SumrScI supplies	1,360.26	
				PAINTER'S TAPE	71.94	
				PAINTERS TAPE / PACKING TAPE	140.05	
				PAPER	40.33	
				PBIS - DONUTS	30.00	
				PD - STAFF MEETING REFRESHMENTS	22.41	
				PIZZA FOR 6TH GRADE REWARD TRIP	65.22	
				PROMOTION SUPPLIES	85.79	
				REFUND WELLIES SUPPLIES	34.47-	
				REWARDS TRIP FOOD	40.21	
				SAFETY SUPPLIES	45.66	
				SAGE END OF YEAR CELEBRATION	78.66	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000247786	07/31/2024	U.S. BANK CORPORATE PMT		SBMH GRANT	1,909.90	
				SCHOOL SUPPLIES - ACJ - A.B.	94.29	
				SHEET PROTECTORS	17.47	
				SHOES FOR LAF MV STUDENT R	49.32	
				SHOES FOR LAV MV STUDENT	16.38	
				SNACKS FOR STAFF MEETING	53.95	
				SOCCER CLEATS JE - EHS	120.16	
				SOCCER CLEATS JE - EHS	118.51	
				SOCIAL SCI PRESENTER MOUSE	32.76	
				SOM AWARD - PIZZA	54.35	
				SPED SUPPLIES	621.38	
				STAFF BINDERS AND DIVIDERS	332.72	
				SUMMER SCHOOL LABELS	62.24	
				SUMMER SCHOOL SUPPLIES	1,713.91	
				SUPPLIES	12.34	
				TEACHER / CLASS SUPPLIES	163.81	
				TECH SUPPLIES / ACCESSORIES	811.16	
				TESTING SUPPLIES	71.25	
				TREATS	58.63	
				VAPE DETECTOR SIGNS	833.58	
				WEL TEAM LUNCH	91.96	
				WELLNESS SUPPLIES	114.74	
			01-4312	DIGITAL GRAMMAR ASSIST - SUBSCRIPTION	144.00	
				DIGITAL NEWSPAPER SUBSCRIPTION	14.00	
				INTUIT QUICKBOOKS MONTLY SUBSCR	30.00	
				ODYSSEY OF THE MIND MEMBERSHIP	290.00	
			01-4341	CYBERSECURITY MEMBERSHIP FEES	135.00	
				MICROSOFT CLOUD BACKUPS	698.72	
				SOFTWARE - ADOBE ACROBAT	287.88	
				SOFTWARE - AI CHAT FOR TEAMS	330.00	
				SOFTWARE - SSL CERTIFICATE	309.00	
				SOFTWARE - ZOOM LICENSES FOR BOARD MTGS	79.95	
			01-4351	BANNERS - SUPERINTENDENT'S OFFICE	271.33	
				BANNERS REFUND - SUPERINTENDENT'S OFF	271.33-	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000247786	07/31/2024	U.S. BANK CORPORATE PMT		BOOKS - FOR SUPERINTENDENT'S OFFICE	213.20	
				OFFICE SUPPLIES	89.42	
				OFFICE SUPPLIES POG STICKERS	100.00	
			01-4363	2.5 GAL UDT OIL	74.71	
			01-4381	GATE LOCK BATTERIES	72.23	
				PAINT SUPPLIES	39.66	
				SHELVING FOR ELEMENTARY STORAGE	873.96	
			01-4393	CABINET LUNCH	314.44	
				INDIAN ED SUPPLIES	172.21	
				LINDSAY LEADS SITE VISIT	135.90	
				REFRESHMENTS		
				NATIVE AMERICAN MTG SNACKS	15.99	
				PD BOOKS	2,005.27	
				PD SUPPLIES	585.85	
				REFRESHMENTS - COMM SCHOOLS MTG	57.13	
				REFRESHMENTS - EHS FAMILY	393.70	
				FEEDBACK		
				SAGE OPEN HOUSE SUPPLIES	33.37	
				SOCIAL WORKER MEETING	90.50	
				SPED MEETING FOOD	76.15	
				WASHINGTON FAMILY FEEDBACK	523.97	
			01-4421	FILE CABINETS	168.10	
				OFFICE DESK	415.14	
			01-5207	CHEER CAMP TN - EHS	200.00	
				CHEER REGISTRATION AD - WINSHIP	150.00	
				CSBA AEC 2024 (7) REGISTRATIONS	5,425.00	
				MTSS TRAINING	499.00	
				SOCCER HOLDING FEE REFUND	100.00-	
				SOCCER REGISTRATION FEE SV - GRANT	140.00	
			01-5210	AWARE GRANT CONF.TRVL	544.61	
				CBO MENTOR TRAVEL	2,334.81	
				CCSPP SUMMIT TRAVEL	602.44	
				CONFERENCE TRAVEL	135.44	
				CPI TRAINING	3,699.00	
				CPI TRAINING TRAVEL	43.67	
				GRADUATION U-HAUL TRUCK FOR MOVING INSTRUMENTS	106.28	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount	
3000247786	07/31/2024	U.S. BANK CORPORATE PMT		MTSS 2024 INSTITUTE CONFERENCE	599.00		
				MTSS 2024 INSTITUTE TRAVEL	234.53		
				MTSS LEARNING CONF TRAVEL	810.48		
				POWERSCHOOL UNIV. TRAVEL EXP	170.07		
				SAN JOAQUIN CSC TRAINING	750.00		
			01-5300	AMAZON MEMBERSHIP	16.38		
				CBO CERTIFICATE DUES	200.00		
			01-5800	B & B SERVICE FEE - UNABLE TO ACCESS	40.00		
				CPR/FIRST AID TRAINING	480.00		
				MAINT. SHOP SUPPLIES	148.33		
			01-5801	NATIVE AMERICAN KAYAKING TRIP	715.00		
				NATIVE AMERICAN MEAL - KAYAKING TRIP	386.08		
				NATIVE AMERICAN SCHOOL TOUR TRAVEL	11.95		
			01-5831	DIGITAL MARKETING SERVICE	35.00		
				HIRING ADVERTISING	85.81		
			01-5881	LATE FES	275.07		
				01-5950 POSTAGE SUMMER SCHOOL MAILER	255.00		
	01-6400 ORDER modernstoreequipment.com: Checkout Counters	9,093.83					
	12-4310 WINZLER PROMOTION SUPPLIES	183.36					
	13-4396 CK SUPPLIES	298.42					
	13-4710 CATERING FOOD	149.86					
	CK SUPPLIES	61.56					
	FOOD - CK	67.63					
	23-6250 EHS SERVICING LINE PROJ	1,011.99	63,882.08				
3000247787	07/31/2024	U.S. BANK EQUIPMENT	01-5623	EHS COPIER LEASE		800.36	
3000247788	07/31/2024	VALLEY PACIFIC	01-4364	GROUND S GAS	269.96		
				MOTOR POOL GAS	3,817.31		
				01-4365	GROUND S DIESEL	340.42	
				MP DIESEL	437.36		
				TRANSP DIESEL	243.52		
	01-4381	MAINT SUPPLIES	74.85	5,183.42			
3000247789	07/31/2024	VERITABLE VEGETABLE, INC.	13-4710	VEGETABLES		984.75	
3000247790	07/31/2024	Van Dissel, Marcel	01-5210	2024 POWERSCHOOL UNIVERSITY	460.44		
				CYBERSECURITY PROF DEV.	485.12	945.56	

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Checks Dated 07/01/2024 through 07/31/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
Total Number of Checks					314	6,151,697.53

	Count	Amount
Cancel	2	252,679.73
Net Issue		<u>5,899,017.80</u>

Fund Recap

<u>Fund</u>	<u>Description</u>	<u>Check Count</u>	<u>Expensed Amount</u>
01	GENERAL FUND	271	3,673,538.15
11	ADULT EDUCATION FUND	2	8,957.68
12	CHILD DEVELOPMENT FUND	15	6,310.29
13	CAFETERIA FUND	24	66,122.95
23	EUREKA CITY SCHOOLS ME/	14	2,100,472.71
40	CAPITAL OUTLAY FUND	1	2,592.99
67	SELF INSURANCE FUND-VISI	2	15,770.00
68	SELF INSURANCE FUND-DEN	2	115,794.00
73	FOUNDATION TRUST FUND	3	1,154.25
Total Number of Checks		312	5,990,713.02
Less Unpaid Tax Liability			74.03
Net (Check Amount)			<u><u>5,990,638.99</u></u>

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.

AGENDA ITEM

Agenda Title: Approval of Change Order No. 1: EHS Albee Stadium/Bud Cloney Project
Meeting Date: August 29, 2024
Item: Consent

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

The Governing Board is receiving notification of Change Order No. 1 for the EHS Albee Stadium/Cloney Field 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. 1 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 Albee Stadium/Cloney Field project to Adams Commercial General Contracting, Inc. (ACGC) at the May 2, 2024 meeting and a 10% contingency fund was approved at the August 8, 2024 meeting.

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

Total additive cost for Change Order No. 1 is \$8,836.91.

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. 1

CHANGE ORDER

OWNER
CONTRACTOR
ARCHITECT
FIELD
INSPECTOR

AIA DOCUMENT G701

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

Change Order Number: 001
Date: July 9, 2024
Architect's Project No. EC20.03.54

TO CONTRACTOR:
Adams Commercial General Contracting, Inc.
339 2nd Street
Eureka, CA 95501

Contract Date: May 13, 2024
Contract For: Alterations to Albee Stadium
and Bud Cloney Field

1.1 Demolish the existing concrete bleacher back wall down to the footing line on the east side of the stadium, at the north end, east of the north football end zone. Dispose of debris off-site.

Requested By: District, Contractor, Architect

Reason: This existing wall no longer serves a purpose with the concrete light pole now removed. The removal of this wall will clean up this area and provide a more pleasing appearance for people sitting in the bleachers.

Add \$ 8,836.91

NOT VALID UNTIL SIGNED BY THE OWNER, ARCHITECT AND CONTRACTOR


The original (Contract Sum) was ----- \$ 26,283,330.00
Net Change by previously authorized Change Orders ----- \$ 0.00
The (Contract Sum) prior to this Change Order was ----- \$ 26,283,330.00
The (Contract Sum) will be (increased) by this Change Order in the amount of ----- \$ 8,836.91
The new Contract Sum including this Change Order will be ----- \$ 26,292,166.91
The Contract Time will be (unchanged) by 0 Calendar Days (0 Working Days). ----- (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is ----- July 1, 2026

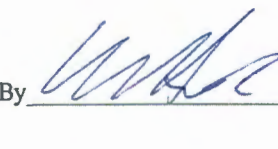
NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

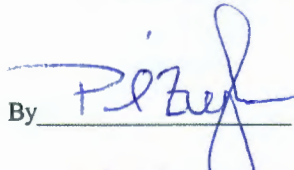
ARCHITECT
F F & J Architects, Inc.
2101 Geer Road, Suite 308
Turlock, CA 95382

CONTRACTOR
Adams Commercial General Contracting, Inc.
217 E Street
Eureka, CA 95501

OWNER
Eureka City Schools
2100 J Street
Eureka, CA 95501

By 
Date 7/09/2024

By 
Date 7/10/2024

By 
Date 8/9/24

AGENDA ITEM

Agenda Title: Approval of Resolution #24-25-002; Declaring the Futility of Public Bidding for the Additional Alterations to the Science Building C Work at Eureka High School, and Approving a Change Order for that Work

Meeting Date: August 29, 2024

Item: Consent

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

The Governing Board is asked to approve Resolution #24-25-002; Declaring the Futility of Public Bidding for the Additional Alterations to the Science Building C Work at Eureka High School, and Approving a Change Order for that Work.

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

The contractor has provided Change Order No. 20, which may exceed the limit for change orders that are not competitively bid, as established by Public Contract Code section 20118.4.

Going out to bid for the additional work would result in substantial delay to the project, resulting in significantly increased costs for Eureka City Schools due to the significant work stoppage time required by the general contractor to wait for the bidding and award of contract.

California law provides that “Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply” (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and that public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 210 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331).

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 for the project at the October 6, 2022 meeting and approved the 10% contingency fund at the October 27, 2022 meeting.

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

Change Order No. 20 is \$6,387.84.

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

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

- Description
- Resolution

RESOLUTION NO. 24-25-002

**BOARD OF EDUCATION OF THE EUREKA CITY SCHOOLS
DECLARING THE FUTILITY OF PUBLIC BIDDING FOR
THE ADDITIONAL ALTERATIONS TO THE SCIENCE BUILDING C WORK
AT EUREKA HIGH SCHOOL, AND
APPROVING A CHANGE ORDER FOR THAT WORK**

WHEREAS, the Eureka City Schools (“Agency”) and Adams Commercial General Contracting, Inc. (“Contractor”) entered into a contract for Contractor for Alterations to the Building C (Science Classrooms) at Eureka High School (“Project”);

WHEREAS, the Agency used competitive bidding for the Project under Public Contract Code section 20111(b) and Contractor was the lowest responsive, responsible bidder for the Project and was awarded a contract for the Project for Nine Million Nine Hundred Seventy Nine Thousand Six Hundred Eighty and NO/100 Dollars (\$9,979,680.00) (“Contract Price”);

WHEREAS, the Agency would like to issue a change order for additional work on the Project (“Additional Work”);

WHEREAS, Contractor has provided a quote for the Additional Work and is able to complete the Additional Work for Six Thousand Three Hundred Eighty-Seven and 84/100 Dollars (\$6,387.54), which may exceed the limit for change orders that are not competitively bid, as established by Public Contract Code section 20118.4;

WHEREAS, the Agency’s architect, FF & J Architects, Inc., and Agency staff believe that the Contractor’s quoted price to perform the Additional Work is reasonable because the work was performed on a time and materials basis and was able to be performed during the normal course of construction with minimal delay to the project schedule;

WHEREAS, going out to bid for the Additional Work would result in substantial delay to the Project, the Additional Work, and other public works projects on building C (Science Classrooms), resulting in significantly increased costs for the Agency due to the significant work stoppage time required by the general contractor to wait for the bidding and award of contract to occur for the structural and fire life safety conditions to be corrected and finishes installed;

WHEREAS, Additional Work must be provided by the Contractor to ensure continuity of quality and appearance of the work. The work includes installation of smoke seals on the existing corridor classroom doors to restore their fire rated assembly classification and installation of braces at the emergency shower/eye washes to stabilize at the top of the vertical pipe.

WHEREAS, hiring a contractor other than the Contractor to perform the Additional Work would result in waste and delay, the general contractor currently has licensed and qualified subcontractors on site to perform this work. Using these subcontractors allows for a fully coordinated and seamless installation minimizing delays which would increase the expense of the Agency because the Contractor has already mobilized on site, is familiar with the Agency's needs, is acquainted with the Project, and has assembled its staff and crew to begin the Project;

WHEREAS, bringing in a new contractor to perform the Additional Work, which is related and similar to the work being performed by Contractor for the Project, would create coordination and interference problems with the Contractor, which would increase the Agency's expense as there would be additional overhead operating costs added by both the current contractor on site and any new contractor brought on to perform this work as well as create coordination conflicts with all the other subcontractors working within the building.;

WHEREAS, if the Agency were to bid the Additional Work, the prices of those bids would likely be higher than the price of Contractor's quote for the Additional Work because Contractor is already mobilized on the Project, thus reducing costs such as overhead, potential overtime costs to perform the work within the limited time frame available, add costs not needed as contractors would add costs to cover unknown conditions which might arise when performing work on existing structures and utility lines;

WHEREAS, the work must be completed in order for the contractor to be able to complete the work in the base contract. The work is required to allow for the reopening of the class rooms for the 2024-2025 school year;

WHEREAS, California law provides that "Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply" (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and that public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 210 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331);

WHEREAS, competitively bidding the Additional Work will not affect the final result to the Agency except to further increase the cost of the Project and delay completion of the Project as the work was performed on a time and materials basis while maintaining the construction schedule and maintaining a safe work environment for both the workers and the students and staff using the cafeteria while the construction activities are occurring, and it would not produce an advantage to the Agency;

NOW THEREFORE, the Board of Education of the Eureka City Schools hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true.
2. For the sufficient and independent reasons stated above, a competitive public bidding process for the Additional Work would be unavailing, would not produce an advantage to the public or the Agency, and would not serve the goals of the competitive bid process in that it would not obtain the best economic result for the public.
3. Based on the foregoing, it would be incongruous, futile, and unavailing to publicly bid the Additional Work.
4. Accordingly, Agency’s governing body hereby approves a change order with the Contractor to perform the Additional Work, which change order is attached hereto as Exhibit “A,” without further advertising for or inviting of bids.

The foregoing Resolution was adopted by the governing body of the Eureka City Schools at a regularly scheduled meeting on the 29th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gary Storts

Secretary of the Board of Education of
Eureka City Schools of
Humboldt County, State of California

Exhibit A

Change Order No. 20

See attached change order no. 20 consisting of two pages, dated August 16, 2024.

**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:	020
Date	August 16, 2024
Architect's Project No.	EC21.01.54

TO CONTRACTOR:
Adams Commercial General Contracting, Inc.
217 E Street
Eureka, CA 95501

Contract Date:	October 21, 2022
Contract For:	Alterations to Science Bldg. C

20.1 Sheet A.1 (PCO 78)

- a. At existing fire rated doors into rooms C102, C103, C104, C105, C106, C107, C108, C109, C113 from each corridor furnish and install "Pemko" S88 smoke seals on each jamb and head.

Requested by: District, Architect

Reason: These existing doors were not a part of the scope of work. It was discovered during the punch walk of the building these doors did not have smoke seal gasketing as required by building codes at a fire rated door. Smoke seals must be installed to restore the fire assembly integrity of these openings.

Add \$ 948.33

20.2 Sheet A.1, (PCO 78)

- a. In rooms C1303, C107, C108, C109 and C124 furnish and install a brace at the top of the emergency shower/eye wash assemblies per drawing ASK-30.

Requested by: District, Architect

Reason: These emergency showers are only attached to the floor per the manufacturer's design. The district is concerned these showers will be pushed on and break loose the water lines to the showers. Adding a brace at the top of the shower assemblies will prevent the showers from moving when pushed against

Add \$ 5,439.51

Total Add this Change Order is : \$ 6,387.84

Change Order No. 20
Alterations to Science Building C
Eureka High School
Eureka City Schools
Project No. EC21.01.54
August 16, 2024
Page - 2

NOT VALID UNTIL SIGNED BY THE OWNER, ARCHITECT AND CONTRACTOR

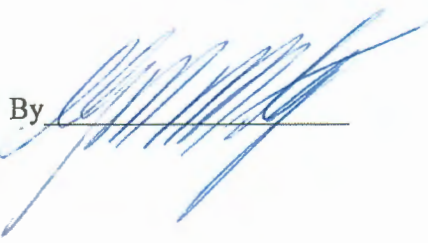
The original (Contract Sum) was -----	\$ 9,979,680.00
Net Change by previously authorized Change Orders -----	\$ 1,442,528.29
The (Contract Sum) prior to this Change Order was -----	\$ 11,422,208.29
The (Contract Sum) will be (increased) by this Change Order in the amount of -----	\$ 6,387.84
The new Contract Sum including this Change Order will be -----	\$ 11,428,596.13
The Contract Time will be (unchanged) by 0 Calendar Days (0 Working Days). -----	(0) days
The date of Substantial Completion as of the date of this Change Order therefore is	June 11, 2024

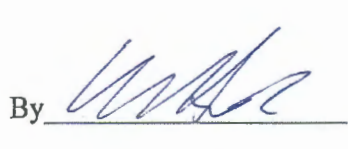
NOTE: This summary does not reflect changes in the Contract Sum, Contract Time, or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

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

CONTRACTOR
Adams Commercial General Contracting, Inc.
217 E Street
Eureka, CA 95501

OWNER
Eureka City Schools
2100 J Street
Eureka, CA 95501

By 

By 

By _____

Date AUG. 16, 2024

Date 8/16/2024

Date _____

AGENDA ITEM

Agenda Title: Approval of Memorandum of Understanding Between Humboldt County Office of Education (HCOE), Cal Poly Humboldt and Eureka City Schools (ECS) for Teacher Residency Program

Meeting Date: August 29, 2024

Item: Consent

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

The Governing Board is asked to approve the Memorandum of Understanding Between Humboldt County Office of Education (HCOE), Cal Poly Humboldt and Eureka City Schools (ECS) for Teacher Residency Program.

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

The Teacher Residency Program is implemented to increase the number and preparedness of the special education workforce in Humboldt County. The MOU is an agreement that HCOE will fund ECSD in accordance to supporting the Residents working towards obtaining their special education credential within the District.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: Mental Health, Social-Emotional Wellness, and Family Engagement

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

The MOU is an annual MOU with HCOE and Cal Poly Humboldt (formerly known as Humboldt State University.)

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

Resident and funding allocation for ECS:

Fall 2024 **Spring 2024** **Total Allocation**

\$7,275.00 \$7,275.00 \$14,550.00

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

Lisa Claussen, Director of Student Services

ATTACHMENTS:

Description

- MOU - HCOE & ECS & Cal Poly Humboldt - Teacher Residency 2024-2025

Memorandum of Understanding Humboldt County Office of Education

HUMBOLDT COUNTY OFFICE OF EDUCATION (HCOE), CAL POLY HUMBOLDT and EUREKA CITY SCHOOLS

This Memorandum of Understanding (MOU) is between the Humboldt County Office of Education (HCOE), CAL POLY HUMBOLDT and EUREKA CITY SCHOOLS. HCOE, CAL POLY HUMBOLDT, and EUREKA CITY SCHOOLS have come together to support and implement a Teacher Residency Program in Humboldt County for the purpose of increasing the number and preparedness of the Special Education workforce in Humboldt County. This MOU is an agreement that HCOE will fund participating districts the following to support Residents working towards obtaining their special education credential within the district. This agreement is for the 2024-2025 school year.

Resident and funding allocation for EUREKA CITY SCHOOLS:

Resident Name	Fall 2024	Spring 2025	Total Allocation
Valerie Canfield	\$2,425	\$2,425	\$4,850
Mentor Name:	Jenn Fowler	Jenn Fowler	Eureka High School
Admin or Designee:	Edith Behrens	Edith Behrens	
Tara Burrows	\$2,425	\$2,425	\$4,850
Mentor Name:	Katie Devlin	Katie Devlin	Washington Elementary School
Admin or Designee:	Edith Behrens	Edith Behrens	
Tassai Garcia	\$2,425	\$2,425	\$4,850
Mentor Name:	Larry Winfield-Perez	Larry Winfield-Perez	Winship Middle School
Admin or Designee:	Edith Behrens	Edith Behrens	

The HCOE, CAL POLY HUMBOLDT, and the EUREKA CITY SCHOOLS agree as follows:

1. SHARED RESPONSIBILITIES

CAL POLY HUMBOLDT, HCOE, and EUREKA CITY SCHOOLS are equally responsible for assuring the following occur:

- A. Counsel the resident and develop a plan to complete the requirements to earn a credential in the specified content or specialty area(s). University, the District, and the Resident shall concur on the program planned. Each is responsible for the timely and proper progress of the plan.
- B. Establish the process for communication between the principal or evaluator, or other District designee and the University Advisor.

- C. Place the Resident in a co-teaching Mentor's classroom at least half time for the duration of the School or District's school year (e.g., August-June), including support/mentoring and supervision, such as coaching, modeling, and demonstrating within the classroom, assistance with course planning and problem-solving regarding students, curriculum, and development of effective teaching methodologies.
- D. Provide content specific coaching.
- E. Participate in a Steering Committee, which will function as the operational governing body for the Residency Program and facilitate planning, design, and implementation of all key activities, instruments, processes, and systems, including those related to: recruitment and selection of Residents and Mentors; cohort activities (e.g. role-alike meetings), and feedback for Residents and Mentors; and assessment and evaluation focusing on continual improvement for Residents, Mentors, District students, and all other aspects of the Residency Program.
- F. Collect, share among partners, and analyze assessment and evaluation data related to the Residency Program.
- G. Track and report on grant and matching funds, if any, that support the Residency Program using the Residency Grant tracking form.

2. CAL POLY HUMBOLDT'S RESPONSIBILITIES

- A. Cal Poly Humboldt is responsible for ensuring that the Resident in their program is supervised and there is adequate support throughout the duration of the program.
- B. Provide the Resident with a minimum of 45 hours of "Early Field Experience", that develops familiarity with texts and instructional materials used in schools, observation of classroom management strategies used by the teacher, planning and delivery of lesson plans, and how schools function.
- C. Assign a qualified University Supervisor who has expertise in the following: (i) current public school policies; (ii) the process for providing special education services (if supervising a resident pursuing the Education Specialist Credential); (iii) the ability to model best professional practices in teaching and learning, scholarship, and service; (iv) knowledge of diverse abilities, cultural, language, ethnic, and gender diversity; and (v) the academic standards, frameworks, and accountability systems that drive the curriculum of public schools.
- D. Articulate specific responsibilities of University Supervisor including allocation of time/frequency of observations and/or coaching.
- E. Provide a University Advisor during the extent of the residency and monitor the successful completion of all requirements during the residency period.
- F. Provide training seminars each semester for co-teaching Mentors and University Supervisors.

- G. Receive, complete, and review the resident assessment forms at the end of each semester.
- H. Provide information and paperwork for the process for recommendation for the appropriate credential, i.e., Education Specialist.
 - Provide University supervision for at least 12 hours each semester of the one-year residency program in the form of a "student teaching" class. Teach courses in the Resident's credential program and ensure all courses are available for Residents.
 - Ensure that Residents are advised about which courses to take each semester. Ensure coursework is aligned to the needs of teachers and students in the District, including use of district-adopted curriculum materials and shared instructional practices.
 - Provide professional development for Mentors on mentoring, co-teaching, and instructional practices prioritized by the Steering Committee.
 - Provide a University Supervisor for each Resident.
 - Conduct classroom observations of Residents.
 - Sit on Residency Program Steering Committee.
 - Provide and organize recruitment opportunities on campus.

3. EUREKA CITY SCHOOLS PROGRAM'S RESPONSIBILITIES

- A. Ensure that schools in which Residents will be mentored provide high-quality learning experiences in a supportive work environment.
- B. Ensure that Residents engage in all aspects of the learning community, including district- and site-level professional development that occurs immediately before and during the school year, committee meetings, staff meetings, and out-of-classroom assignments.
- C. Provide priority hiring interviews to Residents enabling them to satisfy the commitment to the Local Educational Agency (LEA) as specified below:
 - Residents receiving a Teacher Residency Grant stipend are required to teach up to four years in the LEA, if hired and subsequently renewed. Residents may fulfill this obligation at LEAs throughout California if not hired by EUREKA CITY SCHOOLS.
 - Provide induction support to residents who complete the program, if subsequently hired by the LEA.
 - Provide fiscal management of grant and matching funds, if any, that support the Residency Program.
 - Provide all reporting to HCOE and/or other funding agencies, if any, in alignment with grant requirements.
 - Ensure that the Resident is supported and there is adequate supervision.
 - Assign a Mentor who has a valid corresponding Clear or Life Credential, three years of successful teaching experience and ELA (if responsible for providing specified ELA support). The ELA support can be an alternate individual if necessary, providing the same level of support.
 - Designate protected time for the Resident to meet with/work with the Mentor and any other support personnel within the school day including clearly defined expectations for type/frequency of support.
 - Evaluate the Mentor, subject to the terms and conditions of any collective bargaining agreement to which the LEA is a party.

- Facilitate (e.g., by hiring a substitute teacher) and ensure the Mentor’s participation in residency-program professional development activities as specified each year by the Steering Committee.

4. HUMBOLDT COUNTY OFFICE OF EDUCATION’S RESPONSIBILITIES

- A. HCOE will work with CAL POLY HUMBOLDT on recruitment of qualified applicants to the residency program.
- B. As the fiscal agent of the grant, HCOE will facilitate the payments to districts and residents in the following ways:
 - Districts will receive \$4,850 for each resident per year. Funds will be dispersed in two installments of \$2,425 each (fall and spring).
 - **Recommended budget areas, for district funds distribution (total of \$4,850):**
 - Mentor Teacher/Alternative Mentor stipend (\$2,500)
 - Substitute costs for alternative placement (if resident is employed as an aide)
 - Miscellaneous support funds to cover professional development and technology needs
 - Each Resident will receive \$13,000 for tuition support, books, and fees associated with gaining his/her credential. Funds will be dispersed in two installments aligned with the University’s Fall and Spring semesters.
- C. HCOE will support participating districts in the coordination of mentor training, curriculum sharing, and providing ongoing resources.
- D. HCOE’s Fiscal Services Official will provide fiscal oversight and be responsible for the expenditure of funds.
- E. HCOE will coordinate the Residency Program Steering Committee

5. STATUS OF CAL POLY HUMBOLDT, HCOE AND EUREKA CITY SCHOOLS

A. HCOE, CAL POLY HUMBOLDT, and EUREKA CITY SCHOOLS represents and warrants that they (1) have the legal authority to enter into this MOU; and (2) have obtained all necessary approvals and rights required by applicable laws, rules and regulations necessary to enter into, and perform under, this MOU.

6. INSURANCE

EUREKA CITY SCHOOLS shall provide both general liability insurance and workers compensation insurance for any University students participating in the Residency Program.

7. INDEMNIFICATION

CAL POLY HUMBOLDT, HCOE, and EUREKA CITY SCHOOLS agree to indemnify, defend, and hold harmless all parties in this MOU and its affiliates, directors, trustees, officers, agents,

and employees, against all claims, demands, damages, costs, expenses of whatever nature, including court costs and reasonable attorney's fees arising out of or resulting from negligence.

8. TERM AND TERMINATION

This MOU may be terminated at any time without penalty by written agreement or upon 30 days advance written notice by one party to the other, provided, however, that in no event shall termination take effect with respect to students then participating in the Residency Program, until the Residents complete their training for the semester in which termination occurs.

9. GENERAL PROVISIONS

A. Amendments. This MOU may be amended at any time by mutual agreement of the parties without additional consideration, provided that before any amendment shall take effect, it shall be reduced to writing and signed by the parties.

B. Assignment. Neither party shall voluntarily or by operation of law, assign or otherwise transfer this MOU without the other party's prior written consent. Any purported assignment in violation of this paragraph shall be void.

C. Entire MOU. This MOU, including any attached exhibits or agreements referenced in Sections I.A, is the entire agreement between the parties. No other agreements, oral or written, have been entered into with respect to the subject matter of this MOU.

D. Survival. Upon termination of this Contract for any reason, the terms, provisions, representations, and warranties contained in this MOU shall survive expiration or earlier termination of this MOU.

E. Severability. If any provision of this MOU is held invalid by any law, rule, order of regulation of any government or by the final determination of any state or federal court, such invalidity shall not affect the enforceability of the MOU and any other provision not held to be invalid.


F. No Agency. Nothing herein shall be construed to create an agency relationship between the Parties.


G. Governing Law. The validity, interpretation, and performance of this MOU shall be governed by and construed in accordance with the laws of the State of California.


H. Notices. Notices required under this MOU shall be sent to the parties by mail, postage prepaid, at the addresses set forth below (or authenticated online):

Terms of Agreement:

This MOU will remain in effect from July 1, 2024, to June 30, 2025.

Signature: 
Colby Smart (Aug 12, 2024 08:14 PDT) Date: Aug 12, 2024
Dr. Colby Smart, Deputy Superintendent
Humboldt County Office of Education
901 Myrtle Avenue
Eureka, CA 95501

Signature: 
Gary Storts (Aug 12, 2024 13:20 PDT) Date: Aug 12, 2024
Gary Storts, Superintendent
Eureka City Schools
2100 J St.
Eureka, CA, 95501

Signature: 
Edna Lewis (Aug 13, 2024 12:40 PDT) Date: Aug 13, 2024
Cisco Haggerty, Procurement Specialist/Contracts and Procurement
Cal Poly Humboldt
1 Harpst Street
Arcata, CA 95521

AGENDA ITEM

Agenda Title: Approval of Memorandum of Understanding Between Independent Consultants for the Gashaw Group and True North and Eureka City Schools Regarding Curriculum Development for Belong Circles

Meeting Date: August 29, 2024

Item: Consent

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

The Governing Board is asked to approve the Memorandum of Understanding Between Independent Consultants for the Gashaw Group and True North and Eureka City Schools Regarding Curriculum Development for Belong Circles for the 2024-2025 school year.

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

Ashlin Malouf from The Othering and Belonging Institute, U.C. Berkley, and Autumn Chapman, retired school superintendent, have partnered with Eureka City Schools (ECS) to create a year-long Social and Environmental Learning (SEL) Belong Circles Curriculum supporting "You Belong" at ECS. This agreement is in partnership with ECS Community Schools.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: Mental Health, Social-Emotional Wellness, and Family Engagement

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

No previous history

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

Funded through Community Schools

Hourly Rate: Ashlin Malouf and Autumn - \$200 per hour

Total Compensation per Lesson Set per month - \$1,200 (6 hrs x \$200/hr).

Billed quarter at \$3,300

Annual Cost of \$13,200

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

Lisa Claussen, Director of Student Services

ATTACHMENTS:

Description

- Memorandum of Understanding Between Independent Consultants for the Gashaw Group - Ashlin Malouf and True North - Autumn Chapman and Eureka City Schools Regarding Curriculum Development for Belong Circles



MEMORANDUM OF UNDERSTANDING

Between

Independent Consultants for The Gashaw Group- Ashlin Malouf and True North - Autumn Chapman

And

Eureka City Schools

Regarding

Curriculum Development for Belong Circles

1. Purpose

This Memorandum of Understanding (MOU) establishes an agreement with Ashlin Malouf, an independent consultant of The Gashaw Group and an independent consultant with True North Autumn Chapman, and Eureka City Schools (ECS) to develop and produce curriculum lessons for Belong Circles for the 2024-2025 school year. The curriculum will be tailored for students in grades TK-2, 3-5, 6-8, and 9-12, to foster a sense of belonging and inclusion in educational settings using the Belong Circles model.

2. Scope of Work

2.1 Curriculum Development

Ashlin Malouf and Autumn Chapman will create a total of 40 lessons (4 lessons per month for 10 months) for each grade band:

- **TK-2 (Early Elementary)**
- **3-5 (Late Elementary)**
- **6-8 (Middle School)**
- **9-12 (High School)**

Each lesson will be between 20 to 35 minutes in duration and will be designed to be engaging, age-appropriate, and aligned with the objectives of Belong Circles.

2.2 Time and Compensation

- **A 30-minute meeting per month** will happen between Ashlin Malouf, Autumn Chapman, and Ronda Evans.
- **Lesson Preparation and Development:** Ashlin Malouf and Autumn Chapman will allocate 6 hours per lesson (4 lessons) for curriculum development.
- **Hourly Rate:** Ashlin Malouf and Autumn Chapman will be compensated at a rate of \$200 per hour.

- Lesson Sets are defined as a monthly overview of the competency being focused on and an accompanying 4 lessons per month. Each of the 4 lessons will include adaptations for different developmental ages including grades TK-2, 3-5, 6-8, and 9-12.
- **Total Compensation per Lesson Set per month: \$1,200** (6 hours x \$200/hour). Billed quarterly at \$3,300.00 - for an annual total cost of \$13,200. The invoice will be submitted on a quarterly basis.

2.3 Payment Schedule

Payments will be made on a quarterly basis upon submission and approval of the completed lessons for each grade band and a submitted invoice.

3. Responsibilities

3.1 Responsibilities of Ashlin Malouf and Autumn Chapman

- Develop and submit lesson plans as outlined.
- Ensure that the curriculum is inclusive, culturally responsive, and supports the goals of Belong Circles.
- Provide any necessary revisions and updates to the lessons based on feedback from ECS.

3.2 Responsibilities of Eureka City Schools

- Review and approve lesson plans in a timely manner.
- Provide feedback and any additional requirements for the lessons.
- Ensure that the developed curriculum is implemented effectively within the school system.

4. Term and Termination

This MOU will be effective from August 15, 2024, to June 15, 2025. Either party may terminate this agreement with a 30-day written notice if the terms of the MOU are not being met or if unforeseen circumstances arise.

5. Confidentiality

Both parties agree to maintain the confidentiality of any proprietary or sensitive information shared during the course of this collaboration.

6. Dispute Resolution

In the event of any disputes arising under this MOU, the parties agree to first attempt to resolve the matter through informal negotiation. If resolution is not achieved, the parties agree to engage in mediation before seeking any legal remedies.

7. Contact Information

For the Othering and Belonging Institute:

Ashlin Malouf
Email: ashlin.malouf@gmail.com
Phone: 916.539.2204

Autumn Chapman
Email: autleaf46@gmail.com Phone: 760.410.0329

For Eureka City Schools:

Ronda Evans
Email: evansronda@eurekacityschools.org
Phone: 530-321-9705

8. Signatures

This MOU is agreed upon and accepted by:

For Othering The Gashaw Group

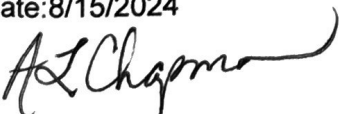
Ashlin Malouf



Date: 8/15/2024

Autumn Chapman

Date: 8/15/2024



For Eureka City Schools:



Ronda Evans
Title: Director of Community Schools
Date:

This MOU reflects the understanding between the parties and is not legally binding. It is intended to guide the collaboration and set clear expectations for both parties.

AGENDA ITEM

Agenda Title: Approval of the Memorandum of Understanding (MOU) Between Big Brothers Big Sisters of the North Coast and Eureka City Schools
Meeting Date: August 29, 2024
Item: Consent

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

The Governing Board is being asked to approve the Memorandum of Understanding between Eureka City Schools and Big Brothers Big Sisters for the North Coast (BBBSNC).

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

The MOU will establish a partnership between ECS and BBBSNC that will allow for free mentoring to students attending a school within the District. The goal is to increase student school attendance, academic performance, and self-esteem.

STRATEGIC PLAN/PRIORITY AREA:

Areas 1, 2, and 3.

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

This is the second MOU between ECS and BBBSNC. The first was established on November 18, 2021.

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)*

Jennifer Johnson, Assistant Superintendent of Educational Services

ATTACHMENTS:

Description

- ECS & BBBS MOU July 2024



**Big Brothers
Big Sisters**®
OF THE NORTH COAST



INTERAGENCY MEMORANDUM OF UNDERSTANDING

This agreement is between **Big Brothers Big Sisters of the North Coast (BBBSNC)** and **Eureka City Schools**. The purpose is to establish and maintain an effective partnership to collaborate on the provision of free mentoring services to students attending **schools throughout the district**. The goal is to increase students' self-esteem and social skills, as well as improve students' school attendance and performance.

TERMS

The term of this Memorandum of Understanding shall be **August 2024 through July 2027**.

DESCRIPTION OF SERVICES

Big Brothers Big Sisters of the North Coast agrees to:

- A. **Work collaboratively with Eureka City Schools Community Schools staff** in the recruitment of student participants.
- B. **Conduct appropriate screening of recruited mentors, including ECS Volunteer approval process, and initiate mentor-youth matches with parental permission.**
- C. **Provide insurance coverage for all youth and volunteer participants.**
- D. **Engage parents with support services** as needed.
- E. **Provide mentors with ongoing training and support services.**
- F. **Provide match incentives and activities** to support developmental relationships.
- G. **Contact both the child and the volunteer on a regular basis and provide support to each match.** Plan and coordinate summer communication between volunteers and youth or transition to Community Based Program.
- H. **Collect school and other relevant data** in order to evaluate the project's effectiveness in meeting grant goals and objectives.
- I. **Collaborate monthly and at the end of the school year**, in-person or by telephone with Community Schools program staff, to evaluate effectiveness of partnership.
- J. **Allow school personnel to know which students are being seen.** Provide names of students to be receiving services ahead of time to school administration.

Eureka City Schools agrees to:

- A. **Provide a site liaison** who champions the program and assists matches with their interactions.
- B. **Provide on-site space for a BBBSNC Match Support Specialist** appropriate for conducting private meetings and will provide access to a copy machine.
- C. **Identify and recruit children to participate**, including aiding **BBBSNC staff with obtaining parent/guardian permission forms.**
- D. **Provide meeting space for matches on the school campus**, especially when the weather is inclement. Provide snacks to participants as resources allow.
- E. **Site based mentoring** can occur at lunch or in the extended learning program.

- E. **Allow access via District staff to student records (i.e. grades, attendance, disciplinary actions, etc.) of participating students whose parents have given written consent.** To be utilized by BBBSNC staff only to determine student outcome data and support needs.
- F. **Disseminate program information in school newsletters and bulletins.**
- G. **Collaborate monthly and at the end of the school year,** in-person or by telephone with program staff, to evaluate the effectiveness of the partnership.

X
Eureka City School District
Printed name: Jennifer Johnson
Title: Assistant Superintendent
Date: _____

X
Big Brothers Big Sisters of the North Coast
Printed name: Florence Parks
Title: Executive Director
Date: _____

AGENDA ITEM

Agenda Title: Revised Annual Declaration of Need for Teachers with Emergency Permits and Limited Assignment Permits
 Meeting Date: August 29, 2024
 Item: Discussion/Action

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

The Governing Board is asked to approve the Annual Declaration of Need for Teachers with Emergency Permits and Limited Assignment Permits including CLAD/English Learner Authorizations, Multiple Subjects, Single Subjects, and Special Education Teacher Permits.

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

A Board approved Annual Declaration is necessary per California Code of Regulations Title 5, §80025.5c in order to meet the District’s specified employment criteria requiring English Language Learner Authorizations for teachers. In the event we hire teachers who obtained their credentials outside California, we may need to apply for Emergency English Language Learner Authorizations while they meet the requirements. The Annual Declaration is necessary per Title 5, §80053(b)(1) for the District’s anticipated need of Permits for Multiple Subjects, Single Subjects, and Special Education Teachers. We are advertising and recruiting to fill our needs and first seek candidates who meet the credential requirements for open positions.

STRATEGIC PLAN/PRIORITY AREA:

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

This a a revised Declaration of Need for Board approval as required by the California Commission on Teacher Credentialing, recently previously approved on May 2, 2024, for the 2024-2025 school year.

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 Will, Executive Director Personnel Services and Public Affairs

ATTACHMENTS:

Description

- Revised Declaration of Need

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ___/___/___, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Name

Signature

Title

Fax Number

Telephone Number

Date

Mailing Address

E-Mail Address

- *This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency*

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit

Estimated Number Needed

CLAD/English Learner Authorization (applicant already holds teaching credential)

Bilingual Authorization (applicant already holds teaching credential)

List target language(s) for bilingual authorization:

Resource Specialist

Teacher Librarian Services

Emergency Transitional Kindergarten (ETK)

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year’s actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas. Additionally, for the Single Subject Limited Assignment Permits estimated, please include the authorization(s) which will be requested:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	
Single Subject	
Special Education	
TOTAL	

Authorizations for Single Subject Limited Assignment Permits

SUBJECT	ESTIMATED NUMBER NEEDED	SUBJECT	ESTIMATED NUMBER NEEDED
Agriculture		Mathematics	
Art		Music	
Business		Physical Education	
Dance		Science: Biological Sciences	
English		Science: Chemistry	
Foundational-Level Math		Science: Geoscience	
Foundational-Level Science		Science: Physics	
Health		Social Science	
Home Economics		Theater	
Industrial & Technology Education		World Languages (specify)	

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes No

If no, explain. _____

Does your agency participate in a Commission-approved college or university internship program? Yes No

If yes, how many interns do you expect to have this year? _____

If yes, list each college or university with which you participate in an internship program.

If no, explain why you do not participate in an internship program.

AGENDA ITEM

Agenda Title: Hiring a Speech Language Pathologist on a Variable Term Waiver
 Meeting Date: August 29, 2024
 Item: Discussion/Action

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

The Board is asked to approve the hiring of a Speech Language Pathologist (SLP) to work for the District on a Variable Term Waiver for the SLP Credential.

Yvonne Cabrales was hired as a SLP at Eureka City Schools for the 2024 – 2025 school year. In order for Yvonne to work as an SLP, the District needs to apply for a renewal of her Variable Term Waiver for the 2024-2025 school year. The Variable Term Waiver will allow her to serve as an SLP from the beginning of the 2024-25 school year until her credential is issued.

Yvonne Cabrales is a bilingual alumna of UC Berkeley and Emerson College with her Masters in Latin American Studies and Communication Disorders. She has completed all her graduation requirements and clinical practicums (speech language pathology internships) and will receive her diploma on August 30, 2024. Then the California SLP board will process her temporary Required Professional Experience credential which will allow her to work as a speech language pathologist Clinical Fellow (CF) for the 2024-2025 school year. This is required as part of national certification under the American Speech Language Hearing Association (ASHA). Yvonne is on track to receive her Certificate of Clinical Competence (CCC) in speech language pathology from ASHA in August 2025.

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

There continues to be a shortage of credentialed Speech Language Pathologists. The District has been operating with several SLP vacancies over the last few years, and in spite of recruitment efforts, has been unable to fill these openings. Outside services (3rd party vendors) have been used to fill some SLP needs due to a shortage of qualified personnel. Yvonne will work under the direction of the Student Services Department and will be provided appropriate mentorship and support. Yvonne's employment as an SLP is based on obtaining the Variable Term Waiver renewal from

the CTC.

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

AGENDA ITEM

Agenda Title: Review and Possible Approval of the Governing Board's Proposed Response to the 2023-2024 Humboldt County Civil Grand Jury Report (published June 12, 2024)

Meeting Date: August 29, 2024

Item: Discussion/Action

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

The Governing Board is asked to review and approve the Board's official response to the 2023-2024 Humboldt County Civil Grand Jury Report regarding the Jacobs property, published on June 12, 2024.

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

The Board is required to respond to the six findings and five recommendations outlined in the Humboldt County Civil Grand Jury Report, dated June 12, 2024, within 90 days, i.e. by September 10, 2024.

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)*

Gary Storts, Superintendent

ATTACHMENTS:

Description

- Draft Response to GJ Report



August [REDACTED], 2024

Honorable Judge Kelly L. Neal
Humboldt County Superior Court
825 5th Street
Eureka, CA 95501

Humboldt County Civil Grand Jury
825 5th Street
Eureka, CA 95501

Dear Judge Neal:

Pursuant to Penal Code section 933.05, subdivision (f), this correspondence serves as the response of Eureka City Schools (“District”) to the 2023-2024 Humboldt County Civil Grand Jury (“Grand Jury”) Final Report entitled “Eureka City Schools – Board of Trustees, Deal or No Deal” (“Final Report”), published June 12, 2024. This response was included as part of the District’s Board of Trustee’s August 29, 2024, Board meeting, on the open session agenda, and approved by the Board.

The Final Report addresses the Board’s process for approving an exchange of real property pursuant to Education Code section 17536. The Final Report concluded that the Board complied with the Ralph M. Brown Act, but criticized the Board for the fashion in which it approved the real property exchange. While the District complied with the law, the Board values public participation, and concedes that it could have been more transparent with the public regarding the real property exchange.

The Final Report included six Findings and five Recommendations that require a response. The District responds to each of the Findings and Recommendations as follows.

RESPONSE TO FINDINGS

Finding 1: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustee meeting did not describe the transaction as a proposed property exchange under California Education Code section 17536 and did not specify both parties involved. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision.

Response to Finding 1: The Board disagrees partially with this Finding. Prior to December 14, 2023, the real property transaction was brought to the Board as a closed session item authorized by Government Code section 54956.8 because the District was in active negotiations. Government Code section 54954.5, subdivision (b), provides safe harbor language that the Legislature recommended including when a governing body is meeting in closed session to have a conference with its real property negotiators. The safe harbor language does not require the District to identify details such as whether a real property exchange is being addressed within the agenda. (See Gov. Code, section 54954.5, subdivision (b).) The District did list the proposed acquirer of the property as a negotiating party on the closed session agenda item for December 14, 2023. It did not list the District as a negotiating party, though that was implied by the presence on the District’s agenda; further, Government Code section 54956.8 does not require the identification of the District as one of the parties to the negotiation.

Finding 2: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustees meeting did not identify the person or person with whom the designated Eureka City Schools negotiator may negotiate – specifically, the name (identity) of the principal members and financial backers of AMG Communities – Jacobs, LLC. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision.

Response to Finding 2: The Board disagrees partially with this Finding. The Board agrees that it did not list AMG Communities – Jacobs, LLC, as a party with whom it was negotiating at the Board Meetings prior to the December 14, 2023 meeting. As to identifying the principal members and financial backers of AMG Communities – Jacobs LLC, the Brown Act does not require that degree of detail on the agenda. Government Code section 54945.5, subdivision (b), requires the District to identify the name of its negotiator, not the name of the negotiator for the other party to the negotiations. That section indicates that in listing the negotiating parties, the agenda must “[s]pecify name of party (not agent)”, which is what the District did on the December 14, 2023, agenda.

Finding 3: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustee meeting did not include the proposed text of Resolution 23-24-023 and Agreement. Therefore, the public did not have an opportunity to be informed and to question the pending decision.

Response to Finding 3: The Board disagrees partially with this Finding. The District did not release the text of Resolution 23-24-023 until after the Board provided additional

direction to the District negotiator in closed session, paving the way for Board to proceed with adopting the Resolution to approve the exchange agreement in open session. The public did have an opportunity to be informed because the Board discussed the item in open session and allowed the public the opportunity to comment in open session on the agenda item. The Board voted to approve the Resolution only after inviting public comment. However, the Board appreciates and understands the Grand Jury's concern with allowing the public a longer opportunity to review agreements being considered by the Board when feasible. The Board is dedicated to providing an opportunity for the public to be informed of pending District decisions within the confines of the Brown Act and the District's operational needs.

Finding 4: Eureka City Schools Trustees did not fully vet AMG Communities-Jacobs, LLC to establish the bona-fide identity of its members and its financial integrity and discuss this information in open session. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision and its potential relationship to other local public policy issues.

Response to Finding 4: The Board disagrees partially with this Finding. There is no provision in the Government Code, Education Code or other applicable law which requires the District to prequalify or review financials of a proposed acquirer of District property. Education Code section 17536, *et seq.*, regarding property exchanges does not require any such process. If the District had engaged in a sale of the surplus property, rather than an exchange, there is an even more explicit process the District must follow, and it again does not provide for prequalification or financial reviews; it simply contemplates sale to the high bidder. (See Ed. Code sections 17455, *et seq.*) Additionally, the District's obligation is to serve its students, parents, teachers, and staff. The Board approved a real estate transaction on the basis that the additional cash consideration would directly benefit the District's students by aiding needed improvements to District facilities. That purpose is directly in line with the District's mission and statutory authority, while other local public policy issues beyond the District's responsibility may not be.

Finding 5: Resolution 23-24-023 and Agreement was introduced and voted on within 2 ½ hours on December 14, 2023. The Eureka City School Trustees acted hastily without sufficient prudence and due diligence. This deprived the public of information and adequate explanation and communication regarding terms and conditions or sufficient opportunity to consider, respond or question the transaction.

Response to Finding 5: The Board disagrees partially with this Finding. It agrees that it publicly introduced the supporting documentation for the item and voted on it in open session within approximately 2 ½ hours of the documentation being made public. The Board disagrees that it acted hastily without sufficient prudence and due diligence. The Board agrees that the public could have been afforded additional time to review the agreement, for example if the open session item had been deferred to a later Board meeting.

Finding 6: Eureka City Schools Trustees conducted unrecorded, secret, undocumented, and undisclosed negotiations. This deprived the public of adequate explanation and communication regarding terms and conditions, or sufficient opportunity to consider, respond or question the transaction during open sessions, and prevented the Humboldt County Civil Grand Jury from determining whether Eureka City Schools Trustees complied with the California Government Code during closed sessions.

Response to Finding 6: The Board disagrees partially with this Finding. The Board met appropriately in closed session to discuss the price and terms of the proposed real property transaction, as allowed by the Brown Act. Government Code section 54956.8 expressly authorizes a closed session meeting for this purpose. Furthermore, the District provided all non-privileged documents responsive to the Grand Jury's request. The District concedes that if there had been greater time between the property exchange agreement being made public and the Board acting on it that there would have been more opportunity for public review and input.

RESPONSE TO RECOMMENDATIONS

Recommendation 1: Pursuant to California Government Code section 54957.2 the Eureka City Schools Trustees designate a clerk or other officer or employee to attend each closed session and keep and enter in a confidential minute book a record of topics discussed and decision made at the meeting. This recommendation is to be done by December 31, 2024.

Response to Recommendation 1:

This recommendation will not be implemented. No person may disclose confidential information that has been acquired by being present in an authorized closed session to a person not entitled to receive that confidential information. "Confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session. (Gov. Code, § 54965; *Harron v. Bonilla* (2005) 125 Cal.App.4th 738, review granted (28 Cal.Rptr.3d 3) and subsequently dismissed (49 CalRptr.3d 654); *Kleitman v.*

Superior Court (1999) 74 Cal. App. 4th 324; 86 Ops.Cal.Atty.Gen 210 (2003). Keeping a confidential minute book could lead to impermissible disclosure of such information. It also runs the risk of discovery of the deliberative process of the Board, which is protected as a privilege under California law. (See *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.) The District also notes that school districts and other local agencies across the State typically do not keep minutes of closed session.

Recommendation 2: Although the time for immediate cure and correct action has expired, the Eureka City Schools Trustees make details of the Jacobs property negotiations and ongoing status of the transaction known to the public by October 1, 2024.

Response to Recommendation 2:

This recommendation has been implemented. The Board has made details of the Jacobs property negotiations through agenda items in open session at multiple Board meetings, including April 4, 2024, July 10, 2024, and August 8, 2024. The Board has also provided relevant, non-privileged documents and records in response to multiple California Public Records Act requests.

Recommendation 3: The Eureka City Schools Trustees adopt and implement procedures to assure compliance with the spirit and intent, as well as the literal and technical requirements, of the Brown Act with respect to public notice and participation to avoid the deficiencies noted in this report. The recommendation is to be done by March 31, 2025.

Response to Recommendation 3:

This recommendation has been implemented. As the Grand Jury's Final Report concludes, the Board complied with the technical and literal requirements of the Brown Act. The Board remains dedicated to complying with the Brown Act and has existing policies directing compliance, including Board Bylaw 9320 (Meetings and Notices), Bylaw 9321 (Closed Session), Bylaw 9322 (Agenda/Meeting Materials), Bylaw 9323 (Meeting Conduct), and Bylaw 9323.2 (Actions By The Board). Regarding the spirit and intent of the Brown Act, those are subjective standards. While the District will continue to strive to comply with those subjective standards of spirit and intent, it is able only to ensure compliance with the objective standards and direct statutory guidance set forth in the Brown Act.

Recommendation 4: The Eureka City Schools Trustees create audio and video recordings of all open sessions of Eureka City Schools Trustee meetings. This recommendation is to be done by December 31, 2025.

Response to Recommendation 4:

This recommendation will be implemented. The District is exploring the ability to audio and video record its open session meetings to improve the public's ability to attend meetings remotely and allow the public the ability to review its open session meetings at a later date.

Recommendation 5: The Eureka City Schools Trustees and staff engage in comprehensive Brown Act training conducted by independent experts not connected with Eureka City Schools or California School Boards Association. This recommendation is to be done by December 31, 2025.

Response to Recommendation 5: This recommendation will be partially implemented. As part of their commitment to transparency and openness, the Board annually participates in governance workshops and trainings. The request that the Board use independent consultants not related to the District or CSBA is unwarranted. Rules and procedures governing school districts are unique. To ensure proper compliance, the District relies on consultants and associations that are experts in school board governance and procedures. The Board and District staff are committed to receiving annual governance training, including on the Brown Act, but will continue to exercise the District's discretion as to the appropriate trainers.

On behalf of the Board, thank you for the insight and recommendations in the Final Report. The Board and District staff is committed to take the expressed desire for greater transparency into account in any future real property transactions. The Board looks forward to shifting focus back to the mission and vision of the District and its support of the important work of educating students.

Sincerely,

Gary Storts
Superintendent

AGENDA ITEM

Agenda Title: Jacobs Property Update and Options

Meeting Date: August 29, 2024

Item: Discussion

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

The Governing Board is asked to receive an update regarding the Jacobs property, and review and discuss options for the potential disposition of the property.

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

AMG Communities - Jacobs, LLC (AMG) was unable to close on the Jacobs property swap by the August 9, 2024, deadline stipulated in the Second Amendment to the Agreement for Exchange of Real Property. The Board of Trustees did not authorize an additional extension of the Agreement, and requested that staff come back to the Board with options for consideration and direction at the late August meeting.

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 District originally convened a Property Advisory Committee to evaluate several district properties, including Jacobs, between October 2007 and January 2008, recommending the Jacobs property be declared surplus in February 2008. The Board of Trustees took action to declare the property surplus in April 2008, and again in June 2019. After negotiations with different entities, the Board adopted Resolution # 23-24-023 on December 14, 2023, which approved the exchange of real property between the District and AMG pursuant to Education Code section 17536. On April 4, 2024, the Board approved the First Amendment to the Agreement. The First Amendment allowed additional time for AMG to cure the conditions on the I Street property and for the District to complete the survey work and subdivision process for the Jacobs site. On July 10, 2024, the Board approved the Second Amendment, which extended Close of Escrow to August 9, 2024. No action was taken by the Board to allow AMG

an additional time extension to close escrow. As a result, the District is out of contract with AMG, and the pending escrow between the parties has been terminated.

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)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- Presentation



**Eureka City
Schools**

Jacobs Property Disposition: Overview and Options

Presented by: Paul Ziegler
Assistant Superintendent
August 29, 2024

Jacobs Property Background



October 2007 – January 2008

Property advisory committee (“7-11”) meets; evaluates several properties including Jacobs.



February 2008

7-11 Committee issues final report; recommends declaring Jacobs surplus.

Jacobs Property Background



April 2008 & June 2019

Board declares Jacobs property surplus.



July 2019

District sends notices to specified entities required by the Education Code



August 2019

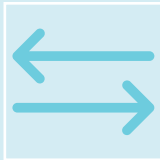
City and DGS notify District of interest to purchase Jacobs; negotiations ensue and extend several years.

History and Status of Jacobs Property



December 2023

District and AMG Communities-Jacobs, LLC (AMG) enter into Agreement for the Exchange of Real Property



August 2024

AMG pulls out of proposed \$6 million exchange.

Current Status

- Convene a 7-11 Committee ✓
- Declare the property surplus ✓
- Provide required offers ✓
- Obtain Housing and Community Development (HCD) confirmation of exemption from Surplus Land Act ✓

Next Steps: Options for Board Consideration

Option #1:

Retain the property. The Board may resume the surplus property process at any time*.

Property condition considerations:

- Maintain the property in its current condition
- Fence off the adjacent athletic fields.
- Improve athletic fields

**The Education Code does not set time limitations.*

Next Steps: Options for Board Consideration

Option #2:

Resume negotiations with
DGS/CHP.

Department of Governmental Services and California Highway Patrol have expressed ongoing interest in purchasing Jacobs.

Next Steps: Options for Board Consideration

Option #3:

Sell or lease the property.



Bidding/Waiver

- Additional steps:
 - Board action declaring intent to sell or lease
 - Notify public
 - Competitive Bidding

Bidding/Waiver

- Most school districts seek and obtain State Board of Education waiver
 - Allows for an RFP process
 - Sale/lease does not have to go to the high bidder
 - Permits school district to choose a partner

Next Steps: Options for Board Consideration

Option #4:

Workforce Housing

- Is there a need?
- Is there interest?
- Is there a long-term commitment?
- Extensive process

Next Steps: Options for Board Consideration

Option #5:

Explore other creative solutions:

- Real Property Exchange (Ed. Code § 17536.)
- Joint Occupancy (Ed. Code §§ 17515, et seq.)
- Public-Private Partnership (“P3”) (Gov. Code, §§ 5956, et seq.)



Questions

AGENDA ITEM

Agenda Title: Policy Updates from CSBA for March 2024 (First Review)

Meeting Date: August 29, 2024

Item: Discussion

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

The Governing Board is being asked to discuss CSBA's proposed policy updates from March 2024.

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)*

Gary Storts, Superintendent

ATTACHMENTS:

Description

- CSBA Guidesheet
- March CSBA Policies (with notes)

CSBA POLICY GUIDE SHEET
March 2024

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

Board Policy 0450 - Comprehensive Safety Plan

Policy updated to reference **NEW LAW (SB 323, 2023)** which (1) authorizes a school employee, a student's parent/guardian or educational rights holder, or a student, at specified times, to bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive safety plan to the principal, and if there is merit to the concern requires the principal to make appropriate modifications, and (2) requires comprehensive safety plans to include adaptations for students with disabilities in accordance with the federal Individuals with Disabilities Education Act and section 504 of the federal Rehabilitation Act of 1973. Additionally, policy updated to clarify that portions of the comprehensive safety plan that include tactical response to criminal incidents are not required to, but may be, publicly disclosed.

Administrative Regulation 0450 - Comprehensive Safety Plan

Regulation updated to clarify that written notifications to specified persons and entities are required when those persons or entities are available and to reflect **NEW LAW (SB 323, 2023)** which (1) authorizes a school employee, a student's parent/guardian or educational rights holder, or a student, at specified times, to bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive safety plan to the principal, and if there is merit to the concern requires the principal to make appropriate modifications, and (2) requires comprehensive safety plans to include adaptations for students with disabilities in accordance with the federal Individuals with Disabilities Education Act and section 504 of the federal Rehabilitation Act of 1973. Additionally, regulation updated to reflect **NEW LAW (SB 671, 2023)** which requires a district's comprehensive safety plan to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, an activity sponsored by the school, or on a school bus serving the school. In addition, regulation updated to reflect **NEW LAW (SB 10, 2023)** which requires schools that serve students in any of grades 7-12 to include in their comprehensive safety plans a protocol in the event a student is suffering or reasonably believed to be suffering from an opioid overdose. Regulation also updated to reference **NEW LAW (AB 1023, 2023)** which provides schools increased cybersecurity support.

Delete - Board Policy 0470 - COVID-19 Mitigation Plan

Policy deleted as unnecessary due to expiration of COVID-19 public health emergency declaration, with relevant concepts incorporated into other policies.

Board Policy 3516 - Emergency and Disaster Preparedness Plan

Policy updated to reflect **NEW LAW (SB 323, 2023)** which requires school emergency and disaster preparedness plans to include adaptations for students with disabilities in accordance with the federal Individuals with Disabilities Education Act and section 504 of the federal Rehabilitation Act of 1973.

Administrative Regulation 3516 - Emergency and Disaster Preparedness Plan

Regulation updated to include an attack or threat of attack to the district's digital network and technology infrastructure to the list of emergencies and disasters that the district and/or school site plans should cover, and routine monitoring of such technology as part of the district's strategies and actions for prevention/mitigation, preparedness, response, and recovery. Additionally, regulation updated to reference **NEW LAW (AB 1023, 2023)** which provides schools increased cybersecurity support, include automatic dialing devices as a form of communication during an emergency, and expand the list of critical information that would be needed in an emergency.

Board Policy 3550 - Food Service/Child Nutrition Program

Policy updated to reflect **NEW LAW (SB 348, 2023)** which (1) clarifies that districts are required to make available, during each school day and free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch to any student who requests a meal, including a student enrolled in an independent study program as specified, regardless of the student's eligibility for a federally funded free or reduced-price meal, (2) defines a "nutritionally adequate breakfast and lunch," and (3) requires that students be provided with adequate time to eat. Additionally, policy updated to reflect **NEW LAW (AB 95, 2023)** which clarifies that districts may sell a nutritiously adequate meal that qualifies for federal reimbursement to a student after a free meal has been provided. In addition, policy updated to reflect **NEW LAW (SB 114, 2023)** which establishes school food best practices such as serving freshly prepared onsite meals using minimally processed, locally grown, and sustainable food, giving priority to California-grown or produced foods, and increasing plant-based or restricted diet food options for students. Policy updated to reflect California Department of Food and Agriculture guidance about school gardens.

Administrative Regulation 3550 - Food Service/Child Nutrition Program

Regulation updated for clarity and alignment with the accompanying Board Policy, with references to outdated material deleted.

Board Policy 3551 - Food Service Operations/Cafeteria Fund

Policy updated to reflect **NEW LAW (SB 348, 2023)** which clarifies that (1) the establishment of a cafeteria fund does not preclude the district from using other funds for the purpose of purchasing school meals, and (2) districts are required to make available, during each school day and free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch to any student who requests a meal, including a student enrolled in an independent study program as specified, regardless of the student's eligibility for a federally funded free or reduced-price meal. Additionally, policy updated to reflect **NEW LAW (AB 95, 2023)** which clarifies that districts may sell a nutritiously adequate meal that qualifies for federal reimbursement to a student after a free meal has been provided and **NEW LAW (SB 114, 2023)** which establishes school food best practices such as giving priority to using California-grown or produced, sustainably grown, or whole or minimally processed foods, increasing plant-based or restricted diet food options for students, and preparing fresh meals onsite.

Administrative Regulation 3551 - Food Service Operations/Cafeteria Fund

Regulation updated for clarity and alignment with the accompanying Board Policy, with references to outdated material deleted.

Board Policy 3553 - Free and Reduced Price Meals - Policy Pulled for Additional Review by Staff

~~Policy updated to reflect **NEW LAW (SB 348, 2023)** which clarifies that districts are required to make available, during each school day and free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch to any student who requests a meal, regardless of the student's eligibility for a federally funded free or reduced-price meal, and **NEW LAW (AB 95, 2023)** which clarifies that districts may sell a nutritiously adequate meal that qualifies for federal reimbursement to a student after a free meal has been provided. Additionally, policy updated to clarify that meals served under the school nutrition program meet district-adopted guidelines, in addition to state and federal nutrition standards. In addition, policy updated to more closely align with code language.~~

Administrative Regulation 3553 - Free and Reduced Price Meals

Regulation updated for clarity and alignment with the accompanying Board Policy, with references to outdated material deleted.

Board Policy 4111/4211/4311 - Recruitment and Selection

Policy updated to reflect **NEW GUIDANCE** from the California Department of Education and the Commission on Teacher Credentialing related to the benefit to students when district staff reflects the racial, ethnic, linguistic and cultural diversity of the district, and when the district's recruitment and selection process seeks to establish and maintain a diverse staff. Additionally, policy updated to include that the pay scale for an open position be included in the job posting. In addition, policy updated to include that discrimination

against a person in hiring based on the person's use of cannabis off the job and away from the workplace is prohibited, and reflect **NEW LAW (SB 700, 2023)** which prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information, In addition, policy updated to provide that the district retains the right to maintain drug-free schools and to prohibit employees from possessing, being impaired by, or using cannabis while on the job. Policy also updated to include that, in addition to Governing Board approval and district needs, the provision of incentives to recruit teachers be in accordance with any applicable collective bargaining agreement.

Administrative Regulation 4112.5/4212.5/4312.5 - Criminal Record Check

Regulation updated to reference that discrimination against a person in hiring based on the person's use of cannabis off the job and away from the workplace is prohibited, including **NEW LAW (SB 700, 2023)** which prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. Additionally, regulation updated for clarity.

Exhibit(1) 4112.5/4212.5/4312.5 - Criminal Record Check

Exhibit reviewed in conjunction with the update of the accompanying Administrative Regulation.

Board Policy 4118 - Dismissal/Suspension/Disciplinary Action

Policy updated to generalize the material related to the basis for disciplinary action, and reflect **NEW COURT DECISION (Visalia Unified School District v. PERB)** which held that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of complaints of retaliation for union activities, and that retaliation solely for engaging in protected activities is prohibited. Additionally, policy updated to amend the list of what may be considered disciplinary actions to more closely align with law, and to add new section "Compulsory Leave of Absence" for consistency with law and the accompanying administrative regulation.

Regulation 4118 - Dismissal/Suspension/Disciplinary Action

Regulation updated to reference that discrimination against a person in termination or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace is prohibited, and to clarify that proper notice is required by March 15 of the employee's second complete consecutive year of employment for the district to not rehire a probationary employee for the following school year without giving a statement of reasons. Additionally, regulation updated to delete outdated material and for clarity.

Board Policy 4140/4240/4340 - Bargaining Units

Policy updated to clarify use of "employee organization," "recognized employee organization," "exclusive representative," and "bargaining unit". Additionally, policy updated to clarify Public Employee Relations Board opinions regarding when a district may restrict the wearing of union buttons, insignia, or other pictorial or written messages by employees, when a district may limit an employee organization's ability to communicate with its members, and what constitutes "reasonable restrictions" by a district. In addition, policy updated to remove outdated material related to COVID-19, and reflect **NEW LAW (AB 243, 2023)** which extends the Safe at Home address confidentiality protection to victims of child abduction and members of their households. Policy also updated for clarity, precision, organization, and consistency.

Board Policy 4157/4257/4357 - Employee Safety

Policy updated to reference **NEW LAW (SB 553, 2023)** which requires, starting July 1, 2024, districts to establish, implement, and maintain at all times and in all work areas a workplace violence prevention plan with specified components.

Administrative Regulation 4157/4257/4357 - Employee Safety

Regulation updated to add that the Department of Industrial Relations Division of Occupational Safety and Health may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. Additionally, regulation updated to reflect **NEW LAW (SB 553, 2023)** which requires, starting July 1, 2024, districts to (1) establish, implement, and maintain at all times and in all

work areas a violence prevention plan with specified components, and (2) provide all employees with training when the plan is first established and annually thereafter. In addition, regulation updated to delete outdated information related to actions districts were required to take upon notice of potential exposure to COVID-19.

Administrative Regulation 4157.1/4257.1/4357.1 - Work-Related Injuries

Regulation updated to move material related to notice requirements for an employee who is a victim of a crime for better placement of content, and delete outdated information related to workers' compensation benefits for illness or death resulting from COVID-19.

Board Policy 4218 - Dismissal/Suspension/Disciplinary Action

Policy updated to add that the Governing Board expects all employees to serve as positive role models at school and in the community for consistency with expectations for certificated staff, generalize the material related to the basis for disciplinary action, and reflect **NEW COURT DECISION** (Visalia Unified School District v. PERB) which held that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of complaints of retaliation for union activities, and that retaliation solely for engaging in protected activities is prohibited. Additionally, policy updated to amend the list of what may be considered disciplinary actions to more closely align with law, clarify that if a timely request for a hearing is submitted, a third-party hearing officer is required to conduct the hearing if the Board has delegated such authority, and to add new section "Compulsory Leave of Absence" for consistency with law and the accompanying administrative regulation.

Administrative Regulation 4218 - Dismissal/Suspension/Disciplinary Action

Regulation updated to reference that discrimination against a person in termination or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace is prohibited. Additionally, regulation updated to delete outdated material and for clarity.

Board Policy 5126 - Awards for Achievement

Policy updated to add that a budget be established for the purpose of student awards, and that no fee or other cost be charged to any student in relation to any requirements in qualifying for or receiving any district achievement awards. Additionally, policy updated to separate out the State Seal of Biliteracy material from district established awards for biliteracy, and to clarify that the Governing Board may prohibit the district committee which administers the district's scholarship and loan fund from accepting any donation under conditions it finds incompatible with the fund's intents and purposes as specified in Board Policy 3290 - Gifts, Grants and Requests.

Administrative Regulation 5126 - Awards for Achievement

Regulation updated to reflect **NEW LAW (AB 370, 2023)** which revises the criteria needed to be met for a student to be awarded the State Seal of Biliteracy, and to clarify the eligibility requirements for an English learner to be eligible for the State Seal of Biliteracy.

Board Policy 5141.21 - Administering Medication and Monitoring Health Conditions

Policy updated to reflect **NEW LAW (AB 1283, 2023)** which authorizes districts to provide emergency stock albuterol inhalers to school nurses or trained personnel who have volunteered, who may use the inhaler to provide emergency medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress, and **NEW LAW (AB 1722, 2023)** which authorizes districts to hire a licensed vocational nurse following Governing Board approval that a diligent search was conducted for a credentialed school nurse.

Board Policy 5144 - Discipline

Policy updated to reflect **NEW LAW (SB 291, 2023)** which, beginning with the 2024-25 school year, prohibits a school staff member from denying a student's recess unless the student's participation poses an immediate threat to the physical safety of the student or one or more of the student's peers. Additionally, policy updated to clarify that the Governing Board may, but is not required, to review approved discipline rules for consistency with Board policy and state law. In addition, policy updated to include interventions and supports to students as a priority in determining appropriate discipline.

Administrative Regulation 5144 - Discipline

Regulation updated to clarify that "junior high" and "high school students" are interpreted to mean students in grades 7-12, which affects the list of representatives for the development of site-level disciplinary rules, and that supervised suspension is one of the means of discipline that may be used when other means of correction have failed to bring about proper conduct. Additionally, regulation updated to reflect **NEW LAW (SB 10, 2023)** which expresses the legislative intent that districts use alternatives to a referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid to the extent that the alternative is not in conflict with any other law requiring a referral, and that a multi-tiered system of supports may be utilized, **NEW LAW (AB 1165, 2023)** which encourages districts to have a student who has been suspended, or for whom other means of correction have been implemented, for an incident of racist bullying, harassment, or intimidation, and the victim, to engage in a restorative justice practice suitable to address the needs of both of the students, engage the perpetrator in a culturally sensitive program, and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues, and **NEW LAW (SB 291, 2023)** which, beginning with the 2024-25 school year, prohibits a school staff member from denying a student's recess unless the student's participation poses an immediate threat to the physical safety of the student or one or more of the student's peers.

Board Policy 6115 - Ceremonies and Observances

Policy updated to add events of present day significance to the Governing Board's recognition of the importance of students celebrating events of significance, as observances which districts are required to hold by law may include current laws and rights. Additionally, policy updated to reflect that specified commemorative exercises may be required by law and include educational components.

Administrative Regulation 6115 - Ceremonies and Observances

Regulation updated to reflect **NEW LAW (AB 800, 2023)** which requires districts to observe, during the week that includes April 28, "Workplace Readiness Week" by providing high school students with specified information on their rights as workers, and, for students in grades 11 and 12, for the observances to be integrated into the regular school program consistent with the history-social science framework. Additionally, regulation updated to reflect that specified commemorative exercises may be required by law. In addition, regulation updated to add to the list of when the national flag is required to fly at half-staff to include the death of a first responder in the state who dies while serving in the line of duty.

Board Policy 6141.2 - Recognition of Religious Beliefs and Customs

Policy updated to reflect **NEW GUIDANCE** from the U.S. Department of Education regarding constitutionally protected prayer and religious expression in public schools and Appendix F of the California Department of Education's History and Social Science Framework which offers guidance and support for educators regarding the recognition of religious beliefs and customs. Additionally, policy updated to add that instruction regarding the role of religion in society be consistent with adopted instructional materials and state standards. In addition, policy updated to reflect U.S. Supreme Court decision ([Kennedy v. Bremerton](#)) which held that the employee, a football coach, did not coerce students to pray when the employee knelt at midfield after games to offer a quiet personal prayer, rejected the district's argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students, and concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district when the prayer was offered during a time when school employees were free to attend to personal matters. Policy also updated to reflect **NEW COURT DECISION** ([Fellowship of Christian Athletes v. San Jose Unified School District](#)) in which the Ninth Circuit U.S. Court of Appeals held that it would be discrimination for a district to fail to recognize a student club with religiously based leadership requirements upon a finding that multiple student clubs imposed certain requirements for membership or leadership positions—i.e., discriminated against certain students—but that the district only objected to the Fellowship of Christian Athletes' requirements because of the *religious* basis of the requirements.

Administrative Regulation 6141.2 - Recognition of Religious Beliefs and Customs

Regulation updated to reflect Appendix F of the California Department of Education's History and Social Science Framework which offers guidance and support for educators regarding the recognition of religious beliefs and customs.

Board Policy 6175 - Migrant Education

Policy updated to reference this group of highly mobile students as "students who are migratory" to align with language found within the Education Code and the California Department of Education's 2023-24 federal program monitoring instrument.

Administrative Regulation 6175 - Migrant Education

Regulation updated to reference this group of highly mobile students as "students who are migratory" to align with language found within the Education Code and the California Department of Education's (CDE) 2023-24 federal program monitoring instrument. Additionally, regulation updated to include that a student who is migratory may, but is not required, to be provided with programs for online instruction as a substitute for physical attendance, and to delete material related to family literacy services, as the funding and legal basis no longer exist. In addition, regulation updated to provide that for summer school programs, the number of instructional days may be decreased if there are holidays for which schools are required to be closed, that districts are required to make facilities available at no cost to other agencies that request facilities for the operation of migrant summer school program unless just cause for denial exists, and that districts who receive authorization and funding from CDE to provide an extended school year program to migratory students who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, are required to operate such program in accordance with law. Regulation also updated to add material related to requirements regarding the transfer of coursework and credits, exemptions from district-established graduation requirements, and for the option to remain in school to complete district-established or statewide course requirements.

Board Bylaw 9320 - Meetings and Notices

Bylaw updated to clarify that a study session, retreat, public forum, or discussion meeting of the Governing Board must either be held as a regular or special Board meeting. Additionally, bylaw updated to reflect **NEW LAW (AB 557, 2023)** which extended and modified the ability of a Board member to join a meeting by teleconference due to just cause or emergency circumstances or during a proclaimed state of emergency. In addition, bylaw updated to remove outdated COVID-19 related requirements. Bylaw also updated for clarity, precision, organization, and consistency.

Board Bylaw 9323.2 - Actions by the Board

Bylaw updated to add that the Governing Board may take action on a request by a Board member to participate by teleconference due to emergency circumstances if it is not on the posted agenda so long as there was not sufficient time to place it on the agenda. Additionally, bylaw updated to remove language related to the authority of the district attorney's office or an interested person to file a civil action asking the court to order the Board to stop or prevent a Brown Act violation and replace it with language requiring the district attorney's office or interested person to first present a demand to "cure and correct" the alleged violation and, when such occurs, for the Board to consult with legal counsel on if and how to respond.

Exhibit(1) 9323.2 - Actions by the Board

Exhibit updated to clarify that the exhibit is a non-exhaustive list of actions that require more than a simple majority vote and that have restrictions on when the Governing Board may act. Additionally, exhibit updated to remove, in the section "Actions Requiring a Two-Thirds Vote of the Membership of the Board," an item related to school facilities improvement districts as well as an item related to parcel taxes, both of which do not require a two-thirds vote. In addition, exhibit updated to add sections on "Actions Required to Occur During a Regular Board Meeting" and "Prohibitions on Certain Board Actions". Exhibit also updated to reflect **NEW LAW (SB 494, 2023)** which prohibits the Board from taking action to terminate a superintendent or assistant superintendent without cause within 30 calendar days after the first convening of the Board after a general election at which one or more of the Board members are elected or recalled, and **NEW LAW (SB 229, 2023)** which requires a district that is disposing of surplus land and has received notification of a violation to hold an open and public meeting to review and consider the substance of the notice of violation and prohibits the Board from taking final action to ratify or approve the proposed disposal of surplus land until a public meeting is held. Exhibit also updated for clarity, precision, organization, and consistency.

Delete - Exhibit(2) 9323.2 - Actions by the Board

Exhibit deleted as districts should consult with legal counsel if there is a need to respond to a "cure and correct" letter.



CSBA Policy Management Console

CSBA Sample District Policy Manual

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Pursuant to Education Code 32280-32289.5, districts are responsible for ensuring that a comprehensive safety plan with specified components is in place for each district school. As required by Education Code 32282 and 32288, the California Department of Education (CDE) has posted on its website a compliance checklist for developing comprehensive safety plans and best practices for reviewing and approving the plans. Comprehensive safety plans are reviewed through the annual audits required by Education Code 41020 to ensure that they are updated and approved by March 1 of each year.

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

CSBA NOTE: Pursuant to Education Code 32281 and 32286, each school is required to adopt a comprehensive safety plan (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide comprehensive safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA, and districts with 2,500 or less ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan within one year of initiating operations. (Education Code 32281, 32286)

The comprehensive school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

OPTION 1 ENDS HERE

OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)

~~The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)~~

OPTION 2 ENDS HERE

CSBA NOTE: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the comprehensive safety plan by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the Governing Board for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), the annual evaluation of the comprehensive safety plan is required to include ensuring that the plan provides appropriate adaptations for students with disabilities.

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

CSBA NOTE: Education Code 32288 requires that districts notify CDE if a school has not complied with the comprehensive safety plan requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to \$2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

CSBA NOTE: The following section is optional. Pursuant to Education Code 32281, the Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a comprehensive safety plan that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure affected school premises, and apprehend criminal perpetrator(s), shall be developed by the Superintendent or designee in accordance with Education Code 32281. In developing such strategies, the Superintendent or designee shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 32281, the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents need not be publicly disclosed.

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

CSBA NOTE: Pursuant to Education Code 32289.5, the district is required to provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools, as specified.

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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 11987-11987.7

Description

[School Community Violence Prevention Program requirements](#)

5 CCR 11992-11993

[Persistently dangerous schools; definition](#)

CA Constitution Article 1, Section 28

[Right to Safe Schools](#)

Ed. Code 200-262.4

[Prohibition of discrimination](#)

Ed. Code 32260-32262

[Interagency School Safety Demonstration Act of 1985](#)

Ed. Code 32270

[School safety cadre](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 32290

[Safety devices](#)

Ed. Code 35147

[School site councils and advisory committees](#)

Ed. Code 35183

[School dress code; uniforms](#)

Ed. Code 35266	Reporting of cyber attacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions

Federal References

20 USC 1400-1482
 20 USC 7111-7122
 20 USC 7912
 29 USC 794
 42 USC 12101-12213
 6 USC 665k

Description

[Individuals with Disabilities Education Act](#)
[Student support and academic enrichment grants](#)
[Transfers from persistently dangerous schools](#)
[Rehabilitation Act of 1973; Section 504](#)
[Americans with Disabilities Act](#)
[Federal Clearinghouse on School Safety Evidence-Based Practices](#)

Management Resources References

CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Federal Bureau of Investigation Publication
 U.S. Department of Education Publication
 U.S. Secret Service & Department of Education Pub
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[School Safety: Firearm Safety and Storage, May 2023](#)
[Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010](#)
[Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)
[Uniform Crime Reporting Handbook, 2004](#)
[Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007](#)
[Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004](#)
[California Department of Education, Language Services Policy and Process](#)
[Schoolsafety.gov](#)
[California Department of Education, Safe Schools Planning](#)

Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

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9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education (CDE) has posted on its website a list of statewide resources for youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and youth affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Additionally, schoolsafety.gov, a website developed by the federal government, provides schools with actionable recommendations to create safe and supportive learning environments and includes the Federal Clearinghouse on School Safety Evidence-Based Practices, required by 6 USC 665k to serve as a resource to identify and publish online evidence-based practices and recommendations to improve school safety.

Development and Review of Comprehensive School Safety Plan

CSBA NOTE: The following section reflects requirements for the development of site-level comprehensive safety plans pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance of 2,500 or less that selected Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan. When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization

CSBA NOTE: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

Before adopting the comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs
4. A representative of each teacher organization at the school
5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), after the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal.

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee, to make appropriate modifications to the comprehensive school safety plan during the evaluation of the comprehensive safety plan. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

Content of the Comprehensive Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the, "California Healthy Kids Survey," or the Centers for Disease Control and Prevention's, "Youth Risk Behavior Survey."

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

CSBA NOTE: Education Code 32282 requires that the following components be included in the districtwide and/or school site comprehensive safety plan. The district may expand this list to require other components at its discretion.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3
2. Routine and emergency disaster procedures including, but not limited to:

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 323, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

- a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973

CSBA NOTE: Education Code 32282 requires districts to incorporate earthquake emergency procedures into the comprehensive safety plan, as specified in Items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

- b. An earthquake emergency procedure system in accordance with Education Code 32282

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
- 3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
- 4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

CSBA NOTE: Education Code 234.1 requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. In addition, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

- 5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
- 6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
- 7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
- 8. A safe and orderly school environment conducive to learning
- 9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

CSBA NOTE: Pursuant to Education Code 32282, schools are required to include in their comprehensive safety plans procedures for conducting tactical responses to criminal incidents, as specified in Item #10. Such procedures must be based on the specific needs and context of each school and community.

Pursuant to Education Code 32281, the Board may elect to have district administrators, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

- 10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

CSBA NOTE: Pursuant to Education 32282, as amended by SB 671 (Ch. 626, Statutes of 2023), schools are required to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.

- 11. Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.

CSBA NOTE: Pursuant to Education 32282, as amended by SB 10 (Ch. 856, Statutes of 2023), schools that serve students in any of grades 7-12 are required to include in their comprehensive safety plans a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.

- 12. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

CSBA NOTE: The following list reflects material listed on CDE's website related to Safe Schools Planning. The components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the comprehensive safety plan may also include:

- 1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

CSBA NOTE: Education Code 32261 and 32282 encourage, but do not require, all comprehensive safety plans to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

CSBA NOTE: Education Code 32261 encourages, but does not require, comprehensive safety plans to include Item #3, below.

3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment
4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
5. Parent/guardian involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

CSBA NOTE: When providing parents/guardians with school safety materials and emergency communications, CDE encourages districts to do so in language(s) understandable to parents/guardians, as appropriate for the school site.

6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

CSBA NOTE: The California School Board Association's Research and Policy Fact Sheet, "School Safety: Firearm Safety and Storage," provides guidance and best practices related to the safe storage of firearms.

7. Annual notification to parents/guardians related to the safe storage of firearms
8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
10. District policy prohibiting the possession of firearms and ammunition on school grounds
11. Measures to prevent or minimize the influence of gangs on campus

CSBA NOTE: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled and which meets the definition listed in Education Code 67381, including willful homicide, forcible rape, robbery, and aggravated assault, as defined in the, "Federal Bureau of Investigation's Uniform Crime Reporting Handbook." Education Code 32281 encourages that the notice be sent no later than the second workday after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

12. Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime
13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content
14. Assessment of the school's physical environment, including a risk management analysis and development of

ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and, as amended by AB 1023 (Ch. 555, Statutes of 2023), is required to coordinate information sharing, including cyber threat information, with school districts. Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266 districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

CSBA NOTE: Education Code 32282.1 does not require, but encourages, that comprehensive safety plans include the strategies described in Item #16 below, to the extent the district uses the listed professionals. CDE's, "The Comprehensive School Safety Plan: Recommended Components," available on its website, includes athletic coaches in the list of professionals and specifies that community intervention professionals include those who speak languages other than English.

16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:
 - a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement
 - b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support
 - c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention

CSBA NOTE: Policies and/or plans for maintaining a safe school environment during a pandemic, as described in Item #18 below, may be included in the district's comprehensive safety plan. Such policies may include BP 3516.5 - Emergency Schedules, BP 4113.5 - Working Remotely, BP 4119.41 - Employees with Infectious Disease, BP/AR 5141.22 - Infectious Diseases, and BP/AR 6158 - Independent Study.

18. District policy and/or plan related to pandemics

CSBA NOTE: Penal Code 626.8 provides that a person may be guilty of a misdemeanor for infringing with or disrupting a school activity, remaining on campus after having been asked to leave, reentering within seven days of being asked to leave, establishing a continued pattern of unauthorized entry, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school; see BP/AR 3515.2 - Disruptions.

19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

20. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media
- f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders
- g. Development of a method for the reporting of violent incidents
- h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

CSBA NOTE: Education Code 49390 and 49393 require certificated and classified employees of the district, or other school officials such as Board members, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle school or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, to immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. "Threat or perceived threat" means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

- 21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. Such training shall include preparation to implement the elements of the comprehensive safety plan

CSBA NOTE: Pursuant to Education Code 32284, the comprehensive safety plan may, at the discretion of the Board, include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No state funds may be used for this purpose.

- 22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants
- 23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

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 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices

Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of cyber attacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions

Federal References

20 USC 1400-1482
 20 USC 7111-7122
 20 USC 7912
 29 USC 794
 42 USC 12101-12213
 6 USC 665k

Description

[Individuals with Disabilities Education Act](#)
[Student support and academic enrichment grants](#)
[Transfers from persistently dangerous schools](#)
[Rehabilitation Act of 1973; Section 504](#)
[Americans with Disabilities Act](#)
[Federal Clearinghouse on School Safety Evidence-Based Practices](#)

Management Resources References

CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Federal Bureau of Investigation Publication
 U.S. Department of Education Publication
 U.S. Secret Service & Department of Education Pub
 Website

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[School Safety: Firearm Safety and Storage, May 2023](#)
[Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010](#)
[Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)
[Uniform Crime Reporting Handbook, 2004](#)
[Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007](#)
[Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004](#)
[California Department of Education, Language Services Policy and Process](#)

Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Description

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0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
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3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
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3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
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4258	Employee Security
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4319.11	Sexual Harassment
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5116.1	Intradistrict Open Enrollment
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Policy 3516: Emergencies And Disaster Preparedness Plan

Status: ADOPTED

Original Adopted Date: 11/01/2004 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: 5 CCR 560 mandates that the Governing Board adopt policy for use by district schools in formulating individual civil defense and disaster preparedness plans.

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

CSBA NOTE: Education Code 32282 requires that emergency disaster procedures, including, but not limited to, earthquake emergency procedures, be incorporated into the comprehensive school safety plan. See BP/AR 0450 - Comprehensive Safety Plan and AR 3516.3 - Earthquake Emergency Procedure System.

Pursuant to Education Code 32282, as amended by SB 323 (Ch. 599, Statutes of 2023), schools are required to include in their emergencies and disaster preparedness plan adaptations for students with disabilities in accordance with the federal Individuals with Disabilities Education Act and Section 504 of the federal Rehabilitation Act of 1973.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

CSBA NOTE: The following optional paragraph reflects a recommendation from the U.S. Department of Education's, "Guide for Developing High-Quality School Emergency Operations Plans," available on its website, and may be revised to reflect district practice.

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

CSBA NOTE: In order to be eligible for reimbursement of response-related personnel costs due to a Governor-proclaimed disaster, each district must follow the Standardized Emergency Management System (SEMS) guidelines (Government Code 8607; 19 CCR 2400-2450) to coordinate multiple-jurisdiction or multiple-agency operations. The guidelines urge districts to formally adopt policy language giving clear direction to staff to meet SEMS requirements. Districts may contact the California Governor's Office of Emergency Services (OES) for more information.

In addition, public agencies must comply with the National Incident Management System (NIMS). The Federal Emergency Management Agency's, "National Incident Management System," provides guidance to all levels of government to prevent, protect against, mitigate, respond to, and recover from threats, hazards, and events ranging from traffic accidents to major disasters. In accordance with the State of California Emergency Plan, OES is the principal coordinator for NIMS implementation statewide and will annually communicate, monitor, and implement NIMS requirements in cooperation with state and local agencies.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

CSBA NOTE: Pursuant to Education Code 32282, a procedure to allow the use of school facilities for mass care and welfare shelters during disasters or other emergencies must be incorporated into the comprehensive school safety plan. See AR 0450 - Comprehensive Safety Plan.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

CSBA NOTE: Pursuant to Government Code 3100, all public employees are declared to be disaster service workers. As such, in the event that a local or state emergency has been proclaimed or a federal disaster declaration has been made, district staff may be directed to perform jobs other than their usual duties for periods of time exceeding their normal working hours. In those cases, their workers' compensation insurance coverage becomes the responsibility of OES, but their overtime is paid by the district. For further information, see OES', "School Emergency Response: Using SEMS at Districts and Sites."

Government Code 3100-3109 require all disaster service workers to take the oath or affirmation of allegiance to the U.S. Constitution contained in the California Constitution, Article 20, Section 3; see AR/E 4112.3/4212.3/4312.3 - Oath or Affirmation. Although Board members are required to take the same oath upon entering office (see BB 9224 - Oath or Affirmation), they are not considered disaster service workers according to the definition in Government Code 3101.

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

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

19 CCR 2400-2450

Description

[Standardized Emergency Management System](#)

5 CCR 550

[Fire drills](#)

5 CCR 560

[Civil defense and disaster preparedness plans](#)

CA Constitution Article 20, Section 3

[Oath or affirmation](#)

Civ. Code 1714.5

[Release from liability for disaster service workers and shelters](#)

Ed. Code 32001

[Fire alarms and drills](#)

Ed. Code 32040

[Duty to equip school with first aid kit](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 32290

[Safety devices](#)

Ed. Code 39834

[Operating overloaded bus](#)

Ed. Code 46390-46392

[Emergency average daily attendance in case of disaster](#)

Ed. Code 49505

[Natural disaster; meals for homeless students; reimbursement](#)

Gov. Code 11549

[Cybersecurity assessment](#)

Gov. Code 11549.3

[Office of information security](#)

Gov. Code 3100-3109

[Oath or affirmation of allegiance](#)

Gov. Code 8586.5

[California Cybersecurity Integration Center](#)

Gov. Code 8607

[Standardized Emergency Management System](#)

Public Utilities Code 2872

[Automatic dialing](#)

Federal References

Description

20 USC 1400-1482

[Individuals with Disabilities Education Act](#)

29 USC 794

[Rehabilitation Act of 1973; Section 504](#)

42 USC 12101-12213

[Americans with Disabilities Act](#)

Management Resources References

Description

Cal OES Publication

[California Emergency Management for Schools: A Guide for Districts and Sites](#)

Cal OES Publication

[School Emergency Response: Using SEMS at Districts and Sites, June 1998](#)

Cal OES Publication	State of California Emergency Plan, 2017
Cal OES Publication	Active Shooter Awareness Guidance, February 2018
California Department of Education Publication	Crisis Response Box, 2000
Federal Emergency Management Agency Publication	National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication	Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website	California Public Utilities Commission
Website	California Office of Emergency Services: School Emergency Planning & Safety
Website	California Department of Education, Comprehensive School Safety Plans
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Crisis Preparedness
Website	Centers for Disease Control and Prevention
Website	U.S. Department of Education, Emergency Planning
Website	U.S. Department of Homeland Security
Website	Federal Emergency Management Agency
Website	California Governor's Office of Emergency Services
Website	California Seismic Safety Commission
Website	American Red Cross
Website	California Attorney General's Office
Website	CSBA

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7111	Evaluating Existing Buildings
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9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 3516: Emergencies And Disaster Preparedness Plan

Status: ADOPTED

Original Adopted Date: 11/01/2004 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following administrative regulation should be modified to reflect district practice. The list below reflects material listed on the California Department of Education's (CDE) website related to comprehensive school safety plans, and the Office of Emergency Services (OES) publication, "California Emergency Management for Schools: A Guide for Districts and Sites".

The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake, flood, or other natural disasters
3. Environmental hazards, such as leakages or spills of hazardous materials
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak
8. Attack or threat of attack to the district's digital network and technology infrastructure

CSBA NOTE: The following list reflects material listed on OES' website related to School Emergency Planning and Safety.

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities and coordinates cyber intelligence and information sharing, and, as amended by AB 1023 (Ch. 555, Statutes of 2023), is required to coordinate information sharing, including cyber threat information, to school districts.

Additionally, Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or an individual district school. Districts are encouraged to consult with OES and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

2. Routine monitoring of the security of the district's digital network and technology infrastructure
3. Instruction for district staff and students regarding emergency plans, including:
 - a. Training of staff in first aid and cardiopulmonary resuscitation
 - b. Regular practice of emergency procedures by students and staff
4. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
 - a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
 - b. Individuals responsible for specific duties

- c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use discretion in situations which do not permit execution of prearranged plans
 - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
 - e. Assignment of responsibility for identification of injured persons and administration of first aid
5. Personal safety and security, including:
- a. Identification of areas of responsibility for the supervision of students
 - b. Procedures for the evacuation of students and staff, including posting of evacuation routes
 - c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible
- CSBA NOTE: Although loading a school bus in excess of capacity is generally prohibited, Education Code 39834 allows the Governing Board to adopt a policy or rule permitting such overloading for the evacuation of students in case of an emergency, as provided in the following paragraph.
- d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety
 - e. Provision of a first aid kit to each classroom
 - f. Arrangements for students and staff with special needs
 - g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
6. Closure of schools, including an analysis of:
- a. The impact on student learning and methods to ensure continuity of instruction
 - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
7. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:
- a. Identification of spokesperson(s)
- CSBA NOTE: Pursuant to Public Utilities Code 2872, the use of an automatic dialing device by schools for the purpose of contacting parents/guardians of students regarding attendance or the health or safety of students is exempt from the control and regulation of the Public Utilities Commission.
- b. Development and testing of communication platforms, such as hotlines, automatic dialing devices, telephone trees, websites, social media, and electronic notifications
 - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
 - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
8. Cooperation with other state and local agencies, including:
- a. Development of guidelines for law enforcement involvement and intervention
 - b. Collaboration with the local health department, including development of a tracking system to alert the

local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

9. Steps to be taken after the disaster or emergency, including:
 - a. Inspection of school facilities
 - b. Provision of mental health services for students and staff, as needed

CSBA NOTE: The following optional paragraph reflects a recommendation of the California Office of the Attorney General and CDE in their joint publication, "Crisis Response Box," which is available on the CDE's website.

The Superintendent or designee shall assemble critical information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems, information to access the district's technology infrastructure, and insurance information. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

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

State References	Description
19 CCR 2400-2450	Standardized Emergency Management System
5 CCR 550	Fire drills
5 CCR 560	Civil defense and disaster preparedness plans
CA Constitution Article 20, Section 3	Oath or affirmation
Civ. Code 1714.5	Release from liability for disaster service workers and shelters
Ed. Code 32001	Fire alarms and drills
Ed. Code 32040	Duty to equip school with first aid kit
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 39834	Operating overloaded bus
Ed. Code 46390-46392	Emergency average daily attendance in case of disaster
Ed. Code 49505	Natural disaster; meals for homeless students; reimbursement
Gov. Code 11549	Cybersecurity assessment
Gov. Code 11549.3	Office of information security
Gov. Code 3100-3109	Oath or affirmation of allegiance
Gov. Code 8586.5	California Cybersecurity Integration Center
Gov. Code 8607	Standardized Emergency Management System
Public Utilities Code 2872	Automatic dialing

Federal References

Federal References	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Description

Cal OES Publication	California Emergency Management for Schools: A Guide for Districts and Sites
Cal OES Publication	School Emergency Response: Using SEMS at Districts and Sites, June 1998
Cal OES Publication	State of California Emergency Plan, 2017
Cal OES Publication	Active Shooter Awareness Guidance, February 2018
California Department of Education Publication	Crisis Response Box, 2000
Federal Emergency Management Agency Publication	National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication	Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website	California Public Utilities Commission
Website	California Office of Emergency Services: School Emergency Planning & Safety
Website	California Department of Education, Comprehensive School Safety Plans
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Crisis Preparedness
Website	Centers for Disease Control and Prevention
Website	U.S. Department of Education, Emergency Planning
Website	U.S. Department of Homeland Security
Website	Federal Emergency Management Agency
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9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 11/01/2007 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy may be revised to reflect district practice. Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), requires districts, during each school day, to make available, free of charge, one nutritionally adequate breakfast and one nutritiously adequate lunch to any student who requests a meal, regardless of the student's eligibility for a federally funded free or reduced-price meal. However, pursuant to Education Code 49431, as amended by AB 95 (Ch. 318, Statutes of 2023), a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has been provided a free meal.

In order to receive reimbursements for the meals, a district is required to be approved for participation in the National School Lunch Program (42 USC 1751-1769j) or the School Breakfast Program (42 USC 1773). Additionally, pursuant to Education Code 49531, as amended by SB 348, a district must comply with state and federal guidelines or regulations in order to be eligible for state meal reimbursement. 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.

Pursuant to Education Code 49495, the California Department of Education (CDE) has developed guidance, "Breakfast and Snacks for Nonschoolaged Children," available on its website, which provides information on the allowability and options for offering nonschoolaged children breakfast or a morning snack at a school site that serves any of grades K-6.

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.

CSBA NOTE: Education Code 49501.5, as amended by SB 348, requires that a nutritionally adequate breakfast and lunch be made available 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.

Additionally, pursuant to Education Code 49501.5, as amended by SB 348, if a district offers independent study, the district must make available a nutritionally adequate breakfast and lunch on any school day that a student is scheduled for educational activities, as defined in Education Code 49010, lasting two or more hours, at a school site, resource center, meeting space, or other satellite facility.

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school day in which the student is scheduled for in-person educational activities of two or more hours. A nutritionally adequate breakfast or lunch is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program or National School Lunch Program.

CSBA NOTE: Pursuant to Education Code 49431, as amended by SB 95, a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has already been provided a free meal.

After a student has been provided a school meal at no cost, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431)

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 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: 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 website, 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.

Additionally, SB 114 (Ch. 48, Statutes of 2023) allocates funds for eligible districts which may be expended on kitchen infrastructure upgrades and implementing any of the following school food best practices: (1) procuring California-grown or produced, sustainably grown, or whole or minimally processed foods to support equity in procurement practices, (2) using California-grown, whole or minimally processed foods in plant-based or restricted diet meals, (3) procuring plant-based or restricted diet food options, and/or (4) freshly preparing meals onsite. Districts that do not receive the above funding are nonetheless encouraged to follow these school food best practices. In addition, grant funding may be available from the California Department of Food and Agriculture's (CDFA) California Farm to School Incubator Grant, which includes a transitional kindergarten-12 Procurement and Education Grant for districts to procure California grown or produced, whole or minimally processed foods for incorporation into school meals and engage students in hands-on food education opportunities. See BP/AR 3551 - Food Service Operations/Cafeteria Fund for information regarding procurement.

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and providing plant-based or restricted diet food options for students.

CSBA NOTE: 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 51795-51798, encourages the creation of school gardens as a means of providing children an opportunity to learn to make healthier food choices. Pursuant to Education Code 51798, a district that operates a school garden may sell produce grown in the school garden, regardless of whether the school participates in the Instructional School Gardens Program, if the district complies with applicable federal, state, and local health and safety requirements for the production, processing, and distribution of the produce. For more information about the benefits of farm to school programs, including the increase in student fruit and vegetable consumption associated with these programs, see CDFA's 2022 publication, "Planting the Seed: Farm to School Roadmap for Success." 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, positively impact students' knowledge related to food and nutrition, support the district's nutrition education program, and increase students' consumption of these foods and participation in school meals.

CSBA NOTE: The following paragraph is optional. Education Code 49534 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.

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 348, students must be provided adequate time to eat, as determined by the district in consideration of the recommendations provided by CDE on or before June 30, 2025.

Students shall be allowed adequate time and space to eat meals. (Education Code 49501.5)

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 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

Description

[Mandatory meals for needy students](#)
[Nutrition education](#)
[School lunch and breakfast programs](#)

5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising
Ed. Code 38080-38103	Cafeteria; establishment and use
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49501.5-49506	School meals
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550.3-49562	Meals for needy students
Ed. Code 49570	National School Lunch Act
Ed. Code 51795-51798	School instructional gardens
H&S Code 113700-114437	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
7 CFR 210.1-210.33
7 CFR 215.1-215.18
7 CFR 220.2-220.22
7 CFR 245.1-245.13

Description

[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](#)

Management Resources References

California Department of Education Publication
California Department of Education Publication
California Department of Food and Agriculture Pub
California Project Lean Publication
CSBA Publication
CSBA Publication
CSBA Publication

Description

[Healthy Children Ready to Learn, 2006](#)
[Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022](#)
[Planting the Seed: Farm to School Roadmap for Success, February 2022](#)
[Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006](#)
[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)
[Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2008](#)
[Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007](#)

CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 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, 2020
U.S. Department of Agriculture Publication	Food Buying Guide for Child Nutrition Programs, May 2022
U.S. Department of Agriculture Publication	Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010
U.S. Department of Agriculture Publication	Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Website	California Department of Food and Agriculture, Office of Farm to Fork
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Farm Bureau Federation
Website	Nourish California
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	Centers for Disease Control and Prevention
Website	California School Nutrition Association
Website	California Department of Education, School Nutrition
Website	National Alliance for Nutrition and Activity
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	CSBA

Cross References

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0500	Accountability
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
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3517-E(1)	Facilities Inspection
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3551	Food Service Operations/Cafeteria Fund
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4141.6	Concerted Action/Work Stoppage
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4241.6	Concerted Action/Work Stoppage
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5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
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6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6176	Weekend/Saturday Classes
7110	Facilities Master Plan

Regulation 3550: Food Service/Child Nutrition Program

Status: ADOPTED

Original Adopted Date: 03/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

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 amended by SB 348 (Ch. 600, Statutes of 2023), requires all schools to make available, free of charge, one nutritiously adequate breakfast and one nutritiously adequate lunch each 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. Schools participating in the National School Lunch and/or Breakfast Program are required to extend meal service to all students enrolled in the school. However, pursuant to Education Code 49431, as amended by SB 95 (Ch. 318, Statutes of 2023), a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has been provided a free meal.

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 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. Pursuant to Education Code 38042, a district must allow students to bring and carry water bottles. Recommendations on the California Department of Education's (CDE) website include providing chilled water, ensuring that all water fountains are clean and operational, and encouraging water consumption through marketing and advertising. Pursuant to Education Code 38043, districts must encourage water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and highlight water bottle filling stations throughout schools.

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

cars. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control), (2) poor personal hygiene of food service employees, (3) contaminated equipment, and (4) food from unapproved sources.

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

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

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

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

Policy Reference 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	School lunch and breakfast programs
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising
Ed. Code 38080-38103	Cafeteria; establishment and use
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49501.5-49506	School meals
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550.3-49562	Meals for needy students
Ed. Code 49570	National School Lunch Act
Ed. Code 51795-51798	School instructional gardens
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements

Federal References

	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1761	Summer Food Service Program and Seamless Summer Feeding Option
42 USC 1769a	Fresh Fruit and Vegetable Program
42 USC 1771-1793	Child Nutrition Act

42 USC 1772	Special Milk Program
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 215.1-215.18	Special Milk Program
7 CFR 220.2-220.22	National School Breakfast Program
7 CFR 245.1-245.13	Eligibility for free and reduced-price meals and free milk

Management Resources References

Description

California Department of Education Publication	Healthy Children Ready to Learn, 2006
California Department of Education Publication	Professional Standards in the School Nutrition Programs, Management Bulletin SNP-13-2020, Updated January 2022
California Department of Food and Agriculture Pub	Planting the Seed: Farm to School Roadmap for Success, February 2022
California Project Lean Publication	Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
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CSBA Publication	Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2008
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 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, 2020
U.S. Department of Agriculture Publication	Food Buying Guide for Child Nutrition Programs, May 2022
U.S. Department of Agriculture Publication	Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010
U.S. Department of Agriculture Publication	Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Website	California Department of Food and Agriculture, Office of Farm to Fork
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Farm Bureau Federation
Website	Nourish California
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	Centers for Disease Control and Prevention
Website	California School Nutrition Association
Website	California Department of Education, School Nutrition
Website	National Alliance for Nutrition and Activity
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	CSBA

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4231	Staff Development
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5030	Student Wellness
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5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
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5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
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6173	Education For Homeless Children
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6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
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Policy 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 03/01/2018 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

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 amended by SB 348 (Ch. 600, Statutes of 2023), all public schools in California must make available free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch each school day, 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. For example, the California Department of Education (CDE) which, by law, provides guidance and oversight on the use of federal funding in nutrition programs, clarifies in Nutrition Services Division Management Bulletin SNP-04-2023 that districts which operate a non-pricing program such as the California Universal Meals Program, the Community Eligibility Program, or Provision 2 at all sites are not required to establish a meal charge policy because no students are charged for meals.

In view of the potential conflict between the federal requirement and CDE guidance, it is recommended that districts adopt this policy and accompanying administrative regulation which addresses meal charges, even if the district operates a non-pricing program such as the California Universal Meals Program. Districts with questions about meal charge policies should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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 CDE's, "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 applies to all districts. Pursuant to Education Code 49503, as amended by SB 348, district funds may also be used for the purchase of school meals for students as provided in Education Code 49501.5.

At the Board's discretion, district funds other than the cafeteria fund may be used for the purchase of school meals.

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 (CDE) standards.

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training, 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 website 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 CDE. (42 USC 1776)

Meal Sales

CSBA NOTE: Education Code 49501.5, as amended by SB 348, requires each district to make available one nutritionally adequate breakfast and one nutritiously adequate lunch each school day 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. Education Code 49501.5, as amended by SB 348, makes several other changes, including requiring a district that offers independent study to make such nutritionally adequate breakfast and lunch available to an independent study student on any school day that the student is scheduled for educational activities as defined in Education Code 49010, and, to the extent CDE receives approval from USDA, make available during a school day lasting four hours or less a nutritionally adequate breakfast or lunch in a noncongregate manner.

Furthermore, pursuant to Education Code 49431, as amended by AB 95 (Ch. 318, Statutes of 2023), a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has been provided a free meal. For further information, see BP 3553 - Free and Reduced Price Meals.

Pursuant to Education Code 49495, CDE has developed guidance, "Breakfast and Snacks for Nonschoolaged Children," available on its website, which provides information on the allowability and options for offering nonschoolaged children breakfast or a morning snack at a school site, that serves any of grades K-6.

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school day in which the student is scheduled for in-person educational activities of two or more hours. After such school meals have been made available to a student, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431, 49501.5)

As permitted by law, 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, 49431, 49501.5)

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

CSBA NOTE: Pursuant to Education Code 38082, the Governing Board 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, that the price of an adult meal must fully cover all costs incurred in the production of the meal, including USDA Food fair market value, and that the common practice of 50 cent markup method to price adult meals may not be in compliance with USDA FNS instruction. 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 Memorandum SP60-2016 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: (Food service employees paid from general fund)

~~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: (Food service employees paid from cafeteria fund)

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 1758, and 7 CFR 210.16 authorize a district, under specified conditions, and with approval of CDE, to contract with a food service management company to manage food service operations in any district school. See the accompanying administrative regulation for related requirements.

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 paragraph reflects 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. Districts should include a Buy American clause in all product specifications, solicitations, purchase orders, and any other procurement documents to ensure contractors are aware of this requirement.

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 has made information available on its website; see the, "Buy American Provision," section in, "Procurement in the CNPs Frequently Asked Questions".

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)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. SB 114 (Ch. 48, Statutes of 2023) allocates funds for eligible districts which may be expended on kitchen infrastructure upgrades and implementing any of the following school food best practices: (1) procuring California-grown or produced, sustainably grown, or whole or minimally processed foods to support equity in procurement practices, (2) using California-grown, whole or minimally processed foods in plant-based or restricted diet meals, (3) procuring plant-based or restricted diet food options, and/or (4) freshly preparing meals onsite. Districts that do not receive the above funding are nonetheless encouraged to follow these school food best practices. Additionally, grant funding may be available from the California Department of Food and Agriculture's (CDFA) California Farm to School Incubator Grant, which includes a transitional kindergarten-12 Procurement and Education Grant for districts to procure California grown or produced, whole or minimally processed foods for incorporation into school meals and engage students in hands-on food education opportunities.

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and to providing plant-based or restricted diet food options for students.

CSBA NOTE: The following paragraph reflects requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to Food and Agriculture Code 58596.3 districts participating in the National School Lunch and/or Breakfast Program, except those with annual reimbursement of less than \$1,000,000, are also required to comply with the requirements specified in the following paragraph. Districts that have an annual reimbursement of less than \$1,000,000 may delete the following paragraph.

When soliciting for bids and contracts for the purchase of an agricultural food product, the district shall specify in the solicitation that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies. 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, the quality of the domestic product is inferior to the quality of the nondomestic product, or the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception for three years from the date of purchase. (Food and Agriculture Code 58596.3)

CSBA NOTE: The following paragraph applies to all districts, regardless of whether they participate in the National School Lunch or Breakfast Program. Food and Agriculture Code 58595 requires a district to accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, when the conditions specified below are met.

Furthermore, the district shall accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is 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 for domestic 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.

SB 114 allocates funds for eligible districts to expend on kitchen infrastructure upgrades, such as cooking or service equipment, refrigeration, storage, transportation, and training and professional development, that will increase a school's capacity to provide freshly prepared onsite meals, to serve fresh and nutritious school meals using minimally processed, locally grown, and sustainable food, or for expanding meal options for students with restricted diets.

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. CDE performs an administrative review of participating districts every three years. See CDE's nutrition services website 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

12 CCR 18928-18998.4

Description

[Short-lived climate pollutants](#)

5 CCR 15550-15565

[School lunch and breakfast programs](#)

Ed. Code 38080-38086

[School meals](#)

Ed. Code 38090-38095

[Cafeterias; funds and accounts](#)

Ed. Code 38100-38103

[Cafeterias; allocation of charges](#)

Ed. Code 42646

[Alternate payroll procedure](#)

Ed. Code 45103.5

[Contracts for management consulting services; restrictions](#)

Ed. Code 49010

[Educational activity; definition](#)

Ed. Code 49431

[The Pupil Nutrition, Health, and Achievement Act of 2001](#)

Ed. Code 49490-49494

[School breakfast and lunch programs](#)

Ed. Code 49501.5-49506

[School meals](#)

Ed. Code 49550.3-49562

[Meals for needy students](#)

Ed. Code 49554

[Contract for services](#)

Ed. Code 49580-49581

[Food recovery program](#)

F&A Code 58595

[Preference for California-grown agricultural products](#)

F&A Code 58596.1-58596.5

[Buy American Food Act; purchase of nondomestic agricultural food products](#)

H&S Code 113700-114437

[California Retail Food Code; sanitation and safety requirements](#)

Pub. Cont. Code 2000-2002

[Responsive bidders](#)

Pub. Cont. Code 20111

[Contracts over \\$50,000; contracts for construction; award to lowest responsible bidder](#)

Pub. Cont. Code 3410

[U.S. produce and processed foods](#)

Federal References

Description

2 CFR 200

[Appendix VII Indirect cost proposals](#)

2 CFR 200.318-200.326

[Procurement standards](#)

2 CFR 200.400-200.475

[Cost principles](#)

2 CFR 200.56

[Indirect costs; definition](#)

42 USC 1751-1769j

[School Lunch Program](#)

42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.33	National School Lunch 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 Dept of Social Services Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022
California Department of Education Publication	Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023
California Department of Education Publication	Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023
California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022
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, SNP-05-2020, February 2020
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
California Department of Education Publication	California School Accounting Manual
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
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. Dept of Agriculture Publication	School Meals - FAQs
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts
Website	California Department of Education, Accounting
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Department of Social Services
Website	California Department of Education, School Nutrition
Website	California School Nutrition Association

Cross References

Description

0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3110	Transfer Of Funds
3230	Federal Grant Funds
3230	Federal Grant Funds
3260	Fees And Charges
3260	Fees And Charges
3300	Expenditures And Purchases
3311	Bids
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3312	Contracts
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3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3512	Equipment
3512-E(1)	Equipment
3515.6	Criminal Background Checks For Contractors
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
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3553	Free And Reduced Price Meals
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3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.4	Health Examinations

4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4231	Staff Development
4312.4	Health Examinations
4331	Staff Development
5030	Student Wellness
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

Regulation 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 03/01/2018 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: With the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), all public schools in California must make available, free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch each school day, 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.

The California Department of Education's (CDE) Nutrition Services Division Management Bulletin SNP-04-2023 clarifies that districts that operate a non-pricing program such as the California Universal Meals Program, the Community Eligibility Program, or Provision 2 at all sites are not required to establish a meal charge policy because no students are charged for meals. However, if any school in the district charges for meals because it does not only operate a non-pricing program at all sites, the district is mandated to adopt and communicate a meal charge policy. In view of the potential conflict between the federal requirement and CDE guidance, it is recommended that districts adopt this administrative regulation and accompanying Board policy which addresses meal charges, even if the district operates a non-pricing program such as the California Universal Meals Program. Districts with questions about meal charge policies should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The district may revise the following paragraphs accordingly.

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 website

Reimbursement Claims

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 114 (Ch. 48, Statutes of 2023), CDE is required to provide state meal reimbursement to districts that participate in, and meet the requirements of, the federal School Breakfast Program and National School Lunch Program, and any applicable state laws or regulations, for reduced-price and paid meals served to students. For additional information on California's Universal Meals Program, see BP/AR 3550 - Food Service/Child Nutrition Program and BP/AR 3553 - Free and Reduced Price Meals.

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

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

Minimizing Food Waste and Reducing Food Insecurity

The District shall take steps to minimize food waste and reduce food insecurity in district schools. (Health and Safety Code 114079)

CSBA NOTE: Districts with an on-site food facility, such as a school cafeteria, are required to donate edible food that would otherwise be thrown away to a food recovery organization, unless the district demonstrates the existence of extraordinary circumstances beyond its control that makes such compliance impracticable. Additionally, pursuant to 14 CCR 18995.1 and 18995.4, districts with an on-site food facility will be inspected by the governmental entity that provides solid waste collection services regarding its edible food recovery program and may be issued a Notice of Violation for noncompliance. If a Notice of Violation is issued, compliance is required within 60 days, unless extended by the enforcing agency because compliance is impracticable due to extenuating circumstances, as specified in 14 CCR 18991.3. For more information regarding organic waste reduction requirements, including a model edible food recovery agreement, see CalRecycle's, "Resources for Local Education Agencies: K-12 Public Schools and School Districts," available on its website. Also see BP/AR 3511.1 -- Integrated Waste Management for additional requirements related to waste diversion and recovery.

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The district may also 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)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. (14 CCR 18991.4)

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: 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, USDA's guidance, "SP 60-2016," and CDE's website, "Frequently Asked Questions about Indirect Costs," 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 or such other amount as may be approved by CDE. 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 SNP-04-2022 states that in an effort to provide flexibility to districts affected by various natural disasters and recovery from the COVID-19 pandemic, CDE has increased the excess net cash resources limitation to six months' average operating expenditures.

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

U.S. Department of Agriculture Foods

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

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

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

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

Contracts with Outside Services

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

Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-05-2023, a district that participates in the School Nutrition Programs must obtain prior CDE approval for all food service management company Request for Proposals, Invitation for Bids, proposed contracts, contracts, and contract amendments. Districts currently using, or planning to use, the services of a food service management company must conduct a competitive procurement process. CDE suggests districts submit their bid solicitation documents in January, or at least 120 days prior to the anticipated contract execution date, whichever comes first. See AR 3311 - Bids for additional information on bidding requirements.

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

12 CCR 18928-18998.4

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 49010

Ed. Code 49431

Ed. Code 49490-49494

Ed. Code 49501.5-49506

Ed. Code 49550.3-49562

Ed. Code 49554

Ed. Code 49580-49581

F&A Code 58595

F&A Code 58596.1-58596.5

H&S Code 113700-114437

Pub. Cont. Code 2000-2002

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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

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[Child Nutrition Act](#)

42 USC 1773	School Breakfast Program
7 CFR 210.1-210.33	National School Lunch 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 Dept of Social Services Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022
California Department of Education Publication	Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023
California Department of Education Publication	Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023
California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022
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, SNP-05-2020, February 2020
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
California Department of Education Publication	California School Accounting Manual
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
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. Dept of Agriculture Publication	School Meals - FAQs
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts
Website	California Department of Education, Accounting
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Department of Social Services
Website	California Department of Education, School Nutrition
Website	California School Nutrition Association

Cross References

Description

0410	Nondiscrimination In District Programs And Activities
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4312.4	Health Examinations
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Regulation 3553: Free And Reduced Price Meals

Status: ADOPTED

Original Adopted Date: 03/01/2016 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), requires districts, during each school day, to make available, free of charge, one nutritionally adequate breakfast and one nutritionally adequate lunch 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, a district must participate in the National School Lunch and/or School Breakfast Programs and comply with state and federal guidelines or regulations pursuant to Education Code 49501.5, as amended by SB 348.

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 Frequently Asked Questions," 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, 49557; 42 USC 1758; 7 CFR 245.5)

CSBA NOTE: The following paragraph is optional. In addition to the paper application form described above, Education Code 49557 authorizes districts to make the application for free or reduced-price meals available online, provided that it complies with specified requirements.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are experiencing homelessness or who are migratory 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 website.

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

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

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

Pursuant to 42 USC 1758 and 7 CFR 245.6, districts must directly certify for enrollment in the free and reduced-price meal program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 and 7 CFR 245.6 also authorize, but do not require, districts to directly certify any student who is experiencing homelessness, 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.

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.

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

Confidentiality/Release of Records

CSBA NOTE: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing designated district employees to use individual student records compiled in the administration of

the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576. See the accompanying Board policy. Districts with questions about the use of free and reduced-price meal information for these or other purposes should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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 California 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

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

Description

[Mandatory meals for needy students](#)

[Nutrition education](#)

[School lunch and breakfast programs](#)

[Parent/Guardian notifications](#)

Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49501.5-49506	School meals
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550.3-49562	Meals for needy students
Ed. Code 49564.3	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 210.1-210.33
- 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

- California Department of Education Publication
- California Department of Education Publication
- CSBA Publication
- CSBA Publication
- U.S. Department of Agriculture Publication
- U.S. Dept of Agriculture Publication
- Website
- Website
- Website
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- Website

Description

- [Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, Management Bulletin SNP-12-2015, July 2015](#)
- [Clarification on the Sharing of Individual Student Eligibility Information for Local Control and Accountability Plan Purposes, Management Bulletin SNP-02-2018, May 2018](#)
- [Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012](#)
- [Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006](#)
- [Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002](#)
- [Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2017](#)
- [CSBA District and County Office of Education Legal Services](#)
- [U.S. Department of Agriculture, Food and Nutrition Service](#)
- [Nourish California](#)
- [California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)
- [California Department of Education, School Nutrition](#)
- [CSBA](#)

Cross References

- 0200
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- 0460
- 0460

Description

- [Goals For The School District](#)
- [Nondiscrimination In District Programs And Activities](#)
- [Local Control And Accountability Plan](#)
- [Local Control And Accountability Plan](#)

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3554	Other Food Sales
3554	Other Food Sales
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3555-E(1)	Nutrition Program Compliance
4119.23	Unauthorized Release Of Confidential/Privileged Information
4219.23	Unauthorized Release Of Confidential/Privileged Information
4319.23	Unauthorized Release Of Confidential/Privileged Information
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5117	Interdistrict Attendance
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5125	Student Records
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5148.2	Before/After School Programs
5148.2	Before/After School Programs
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6162.51	State Academic Achievement Tests
6171	Title I Programs
6171	Title I Programs

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6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6177	Summer Learning Programs

Policy 4111: Recruitment And Selection

Status: ADOPTED

Original Adopted Date: 07/01/2012 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy may be revised to reflect district practice and should be aligned with relevant collective bargaining agreement provisions.

Additionally, the Governing Board should ensure that district hiring procedures are aligned with law, Board policy, and collective bargaining agreements. In *C.A. v. William S. Hart Union High School District*, the California Supreme Court held that a district can be held vicariously liable for the negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The following paragraph reflects concepts from the California Department of Education's (CDE) publication, "How to Increase the Diversity of California's Educator Workforce," and the California Commission on Teacher Credentialing's (CTC) publication, "Strategic Plan: Ensuring Educator Excellence," related to the benefits students receive when staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

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

CSBA NOTE: Pursuant to Labor Code 432.3, an employer with 15 or more employees is required to include the pay scale for a position in any job posting.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in hiring based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. The district may utilize drug screenings that do not rely on nonpsychoactive cannabis metabolite results. Districts with questions about applicant cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive

cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

CSBA NOTE: Labor Code 432.3 prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 7920.000 - 7930.170) or the Freedom of Information Act (5 USC 552).

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

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

Incentives

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

SB 114 (Ch. 48, Statutes of 2023) establishes the Diverse Education Leaders Pipeline Initiative to train, place, and retain culturally responsive school administrators to improve student outcomes and meet the needs of California's education workforce.

Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits. For more information regarding housing for district employees, see the Center for Cities Schools (UC Berkeley), cityLAB (UCLA), and the Turner Center for Housing Innovation's (UC Berkeley), "Education Workforce Housing Handbook."

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

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

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

- Ed. Code 200-262.4
- Ed. Code 35035
- Ed. Code 44066
- Ed. Code 44259
- Ed. Code 44750
- Ed. Code 44830-44831

Description

- [Prohibition of discrimination](#)
- [Powers and duties of the superintendent; transfer authority](#)
- [Limitations on certification requirements](#)
- [Teaching credential, exception; designated subjects; minimum requirements](#)
- [Teacher recruitment resource center](#)
- [Employment of certificated persons](#)

Ed. Code 44858	Age or marital status in certificated positions
Ed. Code 44859	Prohibition against certain rules and regulations regarding residency
Ed. Code 45103-45139	Employment; classified employees
Ed. Code 49406	Examination for tuberculosis
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 815.2	Liability of public entities and public employees
H&S Code 53570-53574	Teacher Housing Act of 2016
Lab. Code 432.3	Salary information

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Description

Management Resources References

CA Commission on Teacher Credentialing Publication	Strategic Plan: Ensuring Educator Excellence, 2023
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	How to Increase the Diversity of California's Educator Workforce, April 2022
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: Developing the 21st Century Campus, 2021
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: The Handbook
Website	University of California Los Angeles, cityLAB
Website	University of California Berkeley, Turner Center for Housing Innovation
Website	University of California Berkeley, Center for Cities + Schools
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	Education Job Opportunities Information Network
Website	Teach USA
Website	California County Superintendents
Website	California Civil Rights Department
Website	U.S. Department of Education

Description

Website [U.S. Equal Employment Opportunity Commission](#)
Website [California Department of Education](#)

Cross References

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9000	Role Of The Board

Regulation 4112.5: Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Education Code 44830.1, 44836, 45122.1, and 45123 prohibit the district from hiring or retaining in employment, in a certificated or classified position, a person who has been convicted of or pleads no contest to a violent or serious felony, sex offense, or controlled substance offense, as defined. Exceptions specified in law are reflected in Items #1-5 below.

These requirements apply to job applicants, temporary employees, substitute employees, and probationary employees serving before March 15 of their second year. Employees with permanent status may only be suspended or dismissed in accordance with the grounds and procedures specified in BP/AR 4118 - Dismissal/Suspension/Disciplinary Action or BP/AR 4218 - Dismissal/Suspension/Disciplinary Action, as applicable.

However, pursuant to Government Code 12954, the district may not discriminate against a person in hiring, termination, or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. Certain employees may be subject to stricter laws related to drug testing. Districts with questions about drug testing employees should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

CSBA NOTE: The following optional paragraph is for use by districts that issue temporary certificates pursuant to Education Code 44332.5 to authorize salary payments while a certificated employee's credential application is being processed. If the issuance of temporary certificates is handled by the county office of education, the following paragraph should be deleted.

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

CSBA NOTE: The following section may be revised to reflect district practice. To fulfill the requirement for a

criminal record check through the California Department of Justice (DOJ) and Federal Bureau of Investigation, the applicant is required to submit fingerprints using the electronic Live Scan process. Locations offering the Live Scan service are listed on the DOJ's website. The DOJ provides the results to the district via email, or by U.S. mail if no email is available.

While the DOJ normally does not provide notice of a conviction for which relief has been granted, pursuant to Penal Code 11105, the Commission on Teacher Credentialing will receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted. However, notwithstanding the above, pursuant to Penal Code 1203.425, information for a conviction for a controlled substance offense listed in Health and Safety Code 11350 or 11377, or former Health and Safety Code 11500 or 11500.5, that is more than five years old, for which relief is granted, is prohibited from being disseminated.

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

CSBA NOTE: Pursuant to Education Code 44830.1 and 45125, the district is required to sign up for "subsequent arrest notification" from the DOJ in accordance with Penal Code 11105.2. Forms available for this purpose are available on DOJ's website.

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

CSBA NOTE: To be qualified to obtain Criminal Record Offender Information (CORI) for the purpose of employment decisions, the district is required to apply to the DOJ for authorization and is required to designate at least one custodian of records who is responsible for the security, storage, dissemination, and destruction of criminal records furnished to the district.

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

CSBA NOTE: The DOJ requires every person with access to CORI, including the custodian of records, to complete an Employee Statement Form acknowledging an understanding of the law governing CORI. The custodian of records is required to return such form to the DOJ and to retain any forms completed by other district staff. The Employee Statement Form is reproduced in the accompanying Exhibit.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

CSBA NOTE: The following optional section is for use by any district that has been designated to act on behalf of other school districts within the same county or in contiguous counties to share CORI as authorized by Education Code 44830.2 and 45125.01. Districts that have not entered into an agreement to share such information, or for whom another district or the County Superintendent of Schools has been designated to receive and share the information, should delete this section.

Pursuant to Education Code 45125.01, any district that participates in such an interagency agreement may use this arrangement to conduct criminal background checks for a noncertificated candidate for a paid or volunteer position in a student activity program pursuant to Education Code 49024; see BP/AR 1240 - Volunteer Assistance and BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches.

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education

Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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
11 CCR 701-708	Criminal offender record information
11 CCR 720-724	Incomplete criminal history information
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

Description

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks
Website	CSBA

Cross References

Description

1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4200	Classified Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.23	Unauthorized Release Of Confidential/Privileged Information

4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.23	Unauthorized Release Of Confidential/Privileged Information
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9011	Disclosure Of Confidential/Privileged Information

Exhibit 4112.5-E(1): Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1997 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following is based on the sample Employee Statement Form provided by the California Department of Justice. Such a form must be signed by an employee designated as custodian of records of criminal history information and any other individual granted access to this information by the custodian of records; see the accompanying administrative regulation.

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of _____ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

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State References

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Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
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Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

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5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9011	Disclosure Of Confidential/Privileged Information

Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2000 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation are subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law. Pursuant to Government Code 3543.2, the district and the bargaining unit representing certificated employees must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days.

For information about dismissal of substitute or temporary employees, see BP 4121 - Temporary/Substitute Personnel.

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, or administrative regulation.

CSBA NOTE: When disciplining an employee, the district must ensure that all of the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Morrison v. State Board of Education*, the court articulated multiple factors to determine fitness to teach; see the accompanying administrative regulation for these factors.

Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance.

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. For more information see the U.S. Department of Education's May 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools." Also see BP/AR 4030 - Nondiscrimination in Employment and BP 4119.1 - Civil and Legal Rights.

In *Visalia Unified School District v. Public Employment Relations Board (PERB)*, the Fifth District Court of Appeal upheld PERB's determination that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of the employee's complaint of retaliation for union activities and that the district retaliated against the employee. However, the court ultimately held in favor of the district, finding that the district proved it would have terminated the employee for poor performance regardless of the protected union activity. Districts with questions about disciplining an officer of an employee organization are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, suspension or leave without pay, or dismissal.

Suspension/Dismissal Procedures

CSBA NOTE: Education Code 44932 and 44933 specify the causes for which a certificated employee may be suspended without pay or dismissed; see the accompanying administrative regulation.

The Superintendent shall notify the Board whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions

constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

CSBA NOTE: Pursuant to Education Code 44934 and 44934.1, upon the formulation or receipt of a written statement of charges, the Governing Board may notify the employee of the Board's intent to suspend or dismiss the employee.

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

CSBA NOTE: Prior to serving the notice of suspension or dismissal, Education Code 44938 requires that, when the charge involves unsatisfactory performance or unprofessional conduct, the employee must be given time to correct the performance or conduct as provided in the following two paragraphs. According to *Crowl v. Commission on Professional Competence*, when the employee fully remediates the misconduct specified in the written notice, no disciplinary action may be taken. The *Crowl* decision did not address what could be done when the misconduct specified in the notice reoccurs. Because the lack of further misconduct may not necessarily be equal to full remediation, appropriate disciplinary action should be determined on a case-by-case basis in consultation with CSBA's District and County Office of Education Legal Services or district legal counsel and the collective bargaining agreement.

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

CSBA NOTE: Pursuant to Education Code 44939 and 44939.1, the Board may immediately suspend an employee from performing assigned duties pending suspension or dismissal proceedings for specified causes.

Pursuant to Education Code 44939, an employee who is immediately suspended for a charge other than egregious misconduct may, within 30 days of receiving the suspension notice, serve the Board and file a motion with the Office of Administrative Hearings to seek reversal of the suspension. The review will be limited to whether the facts as alleged in the statement of charges would be a sufficient basis for immediate suspension. A hearing will be held no later than 30 days after the motion is filed, and the administrative law judge will issue a decision no later than 15 days after the hearing. During the review of the motion or while dismissal charges are pending, the Board retains the authority to determine the physical placement and assignment of the employee.

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the

employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1)

CSBA NOTE: If an employee has requested a hearing upon receiving notice of suspension or dismissal, the hearing will be conducted by the Commission on Professional Competence or an administrative law judge pursuant to Education Code 44944 or 44944.1; see the accompanying administrative regulation. The hearing before the Commission on Professional Competence must begin within six months of the employee's request for the hearing, unless extended due to extraordinary circumstances. The Commission on Professional Competence consists of an administrative law judge of the Office of Administrative Hearings, a member appointed by the Board, and a member appointed by the employee.

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

Compulsory Leave of Absence

CSBA NOTE: Pursuant to Education Code 44940 and 44940.5, the district is required to place an employee charged with a "mandatory leave of absence offense" on a compulsory leave of absence; see the accompanying administrative regulation.

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

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

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5 CCR 80303	Reports of change in employment status; alleged misconduct
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Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing

Gov. Code 12954	Employment discrimination; cannabis use
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
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H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
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Federal References

U.S. Constitution, First Amendment

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[Free exercise, free speech, and establishment clauses](#)

Management Resources References

Commission on Teacher Credentialing Publication

Description

[California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007](#)

Court Decision

[Visalia Unified School District v. Public Employment Relations Board \(2024\) 98 Cal.App.5th 844](#)

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[Morrison v. State Board of Education \(1969\) 1 Cal.3d 214](#)

U.S. Department of Education Publication

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)

Website

[Office of the Attorney General](#)

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[Office of Administrative Hearings](#)

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[Department of General Services, About Teacher Dismissal Case Type](#)

Website

[CSBA District and County Office of Education Legal Services](#)

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[Commission on Teacher Credentialing](#)

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[U.S. Department of Education](#)

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Regulation 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2000 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional administrative regulation is subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreements. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

Pursuant to Government Code 3543.2, the district and certificated employee bargaining unit must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days. If the Governing Board has adopted a collective bargaining agreement that includes such procedures, then, pursuant to Education Code 44932, the authorization to suspend an employee for up to 15 days pursuant to the procedures specified in Education Code 44933, 44934, 44934.1, 44935, 44936, 44937, 44943, and 44944 would not apply. The suspension procedures specified in Education Code 44934 and 44939 are explicitly for use only by districts that do not have such a provision in their collective bargaining agreement.

Because Education Code provisions pertaining to employee suspension and dismissal are complex, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel before instituting such proceedings.

Causes for Suspension or Dismissal

CSBA NOTE: Education Code 44932 lists causes for which a certificated employee may be suspended without pay or dismissed.

The causes listed in Education Code 44932 have been found to be so broad as to be sometimes difficult to apply. However, the California Supreme Court, in Morrison v. State Board of Education, has articulated multiple factors to determine fitness to teach, which is the relevant inquiry under most of the causes for dismissal or suspension. The factors include: (1) the likelihood that the conduct may have adversely affected others and the degree of such adversity anticipated, (2) the proximity or remoteness in time of the conduct, (3) the type of certification held by the party involved, (4) the extenuating or aggravating circumstances, if any, surrounding the conduct, (5) the praiseworthiness or blameworthiness of the motives resulting in the conduct, (6) the likelihood of the recurrence of the questioned conduct, (7) the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers, and (8) the notoriety associated with the conduct or behavior. The conduct or performance that gives rise to the need to suspend or dismiss need not occur on or involve district property but there must be some nexus to employment.

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in termination or any term or condition of employment, based on the person's use of cannabis when off the job or away from the workplace, and consequently, districts may be prohibited from disciplining employees in certain circumstances. However, certain employees may be subject to stricter laws related to drug testing. Districts with questions about drug testing employees should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service

7. Physical or mental condition unfitting the employee to instruct or associate with children
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 prohibiting the advocacy or teaching of communism
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 44933)

Suspension/Dismissal of Permanent Employees

CSBA NOTE: Procedures for the suspension or dismissal of permanent employees are addressed in Education Code 44932-44947.

See the accompanying Board policy for information about Board responsibilities related to reviewing the statement of charges, providing notice to the employee of the Board's intent to suspend or dismiss the employee, and, when applicable, appointing a member of the Commission on Professional Competence that will conduct a hearing on the matter.

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists. (Education Code 44934, 44934.1)
2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)
4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision upholding suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

Suspension/Dismissal of Probationary Employees

CSBA NOTE: With proper notice, the district may choose not to rehire probationary employees for the following year without giving a statement of reasons; see BP 4116 - Probationary/Permanent Status. However, during the school year, probationary employees may only be suspended without pay or dismissed for cause and in accordance with the applicable procedures specified in law.

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons if proper notice is provided by March 15 of the employee's second, complete, consecutive year of employment. (Education Code 44929.21, 44929.23)

CSBA NOTE: Districts with average daily attendance (ADA) of 250 or more may dismiss probationary employees during the school year in accordance with the procedures contained in Education Code 44948.3, in which case the decision whether to dismiss an employee rests with the Board rather than the Commission on Professional Competence (Option 1 below).

Districts with less than 250 ADA should select the appropriate option below depending on how the district grants permanent status to certificated employees in accordance with BP/AR 4116 - Probationary/Permanent Status. Districts with less than 250 ADA that have not adopted a collective bargaining agreement may elect to use the procedures in Education Code 44934 and 44934.1 for dismissal of probationary employees (Option 2 below), as reflected in the section "Suspension/Dismissal of Permanent Employees" above. Alternatively, Education Code 44948.2 authorizes districts with less than 250 ADA to elect to dismiss probationary employees during the school year pursuant to Education Code 44948.3 (Option 1 below). When districts with less than 250 ADA decide to use the procedures in Education Code 44948.3, their employees will become permanent employees if they are not served with a notice of non-reelection before March 15 of their second year. Since Education Code 44948.3 applies only to dismissal of probationary employees in districts with 250 ADA or more or to districts of less than 250 ADA that elect to use Education Code 44948.3, it is not appropriate for use by districts that either grant permanent status after three consecutive years or that reelect employees from year to year without granting permanent status.

OPTION 1: (Districts with ADA of 250 or more, or districts with less than 250 ADA that have elected to use the dismissal procedures in Education Code 44948.3)

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.

CSBA NOTE: Pursuant to Education Code 44948.3, the probationary employee may request a hearing as provided below. The employee's failure to request a hearing within 15 days from receipt of the dismissal notice constitutes a waiver of the right to a hearing.

2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.

CSBA NOTE: Education Code 44948.3 authorizes the district to establish procedures for the appointment of an administrative law judge to conduct the hearing and submit a recommended decision to the Board. Item #3 may be revised to reflect any such procedures established by the district.

3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

OPTION 1 ENDS HERE

OPTION 2: (Districts with less than 250 ADA that do not grant permanent status after two years and do not elect to use the procedures in Education Code 44948.3)

~~During the school year, probationary employees may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above. (Education Code 44948)~~

~~Whenever a probationary employee is so charged, dismissal procedures shall be those set forth in Education Code 44934 and 44934.1 as described in the section "Suspension/Dismissal of Permanent Employees" above.~~

OPTION 2 ENDS HERE

Compulsory Leave of Absence

CSBA NOTE: Whenever a certificated employee is charged with a "mandatory leave of absence offense" as defined in Education Code 44940, the district is required to place the employee on a compulsory leave of absence. Penal Code 291 requires law enforcement, including the local police, sheriff, or California Highway Patrol, to telephone the Superintendent when a school employee has been arrested for a sex offense and provide written notice to the County Superintendent of Schools and the Commission on Teacher Credentialing (CTC).

Pursuant to Education Code 44009 and 44425, CTC will revoke the credential of an individual who has been convicted of a mandatory leave of absence offense.

Upon being informed that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

CSBA NOTE: Education Code 44940 permits the Board to place certificated employees on leave for certain "optional leave of absence offenses" as defined below.

The following optional paragraph should be revised to reflect offenses which the Board has determined will require a compulsory leave of absence.

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless a hearing is demanded. (Education Code 44940, 44940.5)

CSBA NOTE: Pursuant to Education Code 44940.5, while on compulsory leave, the employee's salary may be paid if the employee provides a suitable bond or other acceptable security as a guarantee that the leave-period salary will be repaid if the employee is convicted of the charges or fails to return to district service. If the employee is acquitted or the charges are dismissed, the district must reimburse the employee for the cost of the bond upon return to service in the district. If an employee who does not furnish a bond or other security is acquitted or the charges are dismissed, the district must pay the employee's salary for the time spent on leave upon return to service.

Education Code 44940.5 specifies that, if the charges against an employee are dismissed as a result of the employee's successful completion of a drug diversion program and the employee returns to service, the employee may elect to receive payment for any accrued leave and differential pay for the length of the employee's leave of absence.

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of the second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

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Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
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U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
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Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
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4212.5-E(1)	Criminal Record Check
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4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
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4241	Collective Bargaining Agreement
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
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4258	Employee Security
4259	Employee Assistance Programs
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4261	Leaves
4312.4	Health Examinations
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4312.42	Drug And Alcohol Testing For School Bus Drivers

4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
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4319.1	Civil And Legal Rights
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5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
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6145.2	Athletic Competition
6162.54	Test Integrity/Test Preparation
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4140: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of specified employees wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which employees to be represented by that organization are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the organization, (2) another employee organization files a challenge to the appropriateness of the organization or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

While the terms "employee organization," "exclusive representative," "recognized employee organization," and "bargaining unit" are similar, the differences are important for purposes of understanding the rights and obligations of each one. As defined by Government 3540.1, "employee organization" means an organization that includes district employees that represents those employees in their relations with the district as one of its primary purposes; "exclusive representative" means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees; and "recognized employee organization" means an employee organization that has been recognized by a district as the exclusive representative. "Bargaining unit" is not defined in statute but is used in this policy to referred to the entity with which the district is required to bargain regarding compensation and working conditions for a represented group of district employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that bargaining unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: The Public Employment Relations Board (PERB) uses a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons, insignia, or other pictorial or written messages by employees is justified by special circumstances. In East Whittier School District, PERB found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to limiting the wearing of union buttons, insignia, or other pictorial or written messages.

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management (including senior management) and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an exclusive representative. Certain management positions designated by the Board under state law such as Education Code 45100.5 may be subject to review by PERB. For questions regarding which positions qualify as "management" or "confidential," districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

District Communications to Employees

CSBA NOTE: This section is optional and may be revised to reflect district practice. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA's District and County Office of Education Legal Services or district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

Access to New Employee Orientations

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025.

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

CSBA NOTE: Pursuant to Government Code 3556, the district must provide at least 30 minutes of paid time for new employees to attend the meeting. However, nothing prohibits the district and the exclusive representative from providing more than 30 minutes of paid time.

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558 and 7928.300, which implemented the decision by the California Supreme Court in County of Los Angeles v. Los Angeles County Employee Relations Commission, districts are required to provide each exclusive representative with the home address, home telephone number(s), and personal cell phone number of every employee represented by the exclusive representative unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

CSBA NOTE: Pursuant to Government Code 3558, specified contact information is required to be provided for all employees every 120 days and within 30 days of the date of hire or by the first pay period of the month following the date of hire for new employees. The following paragraph should be revised if districts have an agreement with an exclusive representative requiring more frequent disclosure.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6205-6210 and 6215-6216 to protect victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended, pursuant to Government Code 6205-6210, as amended by AB 243 (Ch. 642, Statutes of 2023), to victims of child abduction and members of their households.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. If the alleged violation involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. The opportunity to cure is limited to not more than three times in any 12-month period. If a violation is found, PERB is required to assess against the district a civil penalty of at most \$10,000 and payment of the exclusive representative's attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558 limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violations and may be revised to reflect district practice.

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees by Employee Organizations

CSBA NOTE: Pursuant to Government Code 3543.1, districts are required, subject to "reasonable regulation" set forth by the district and at "reasonable times," to provide an employee organization with access to the work areas of employees represented by the employee organization and district facilities for the purpose of meetings with employees represented by the employee organization. Similarly, Government Code 3543.1 requires the district, subject to "reasonable regulation" by the district, to provide an employee organization with the use of institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the

employee organization. In Desert Community College District, PERB held that the district must show that a regulation is "reasonable" if it is (1) necessary to the efficient operation of the district's business and/or safety of its employees and others and (2) narrowly drawn to avoid overboard, unnecessary interference with the exercise of statutory rights. Such regulation is also subject to bargaining with the exclusive representative, if applicable. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to adopting or implementing such regulations.

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Employees who choose to become members of an employee organization pay membership dues, which are required to be deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, employees who choose not to become members of an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of Education Code 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement
Gov. Code 7928.300	Disclosure of employee contact information to employee organization

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	CSBA District and County Office of Education Legal Services
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
Website	CSBA

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4158	Employee Security
4158	Employee Security
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees

4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4157: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation may be subject to collective bargaining agreements and should be modified to reflect district practice. Pursuant to Government Code 3543.2, safety conditions of employment are within the scope of bargaining.

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

CSBA NOTE: Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), requires the district's injury prevention program to include a workplace violence prevention plan.

Additionally, 8 CCR 3203 requires the district to provide employees with access to the district's injury and illness prevention program.

See the accompanying administrative regulation for required injury prevention program elements and specific requirements related to employee access.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance to ensure that employees receive prompt medical treatment for serious injury or illness. See the accompanying administrative regulation for specific requirements.

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
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4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions

4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
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4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
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4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4157: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

CSBA NOTE: Pursuant to Labor Code 6325, the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. In such cases, Cal/OSHA will provide a notice that must be posted in a conspicuous place at the place of employment.

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

Injury and Illness Prevention Program

CSBA NOTE: The following section reflects the requirements of Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), and 8 CCR 3203 for a written injury and illness prevention program. When developing such a program, districts are encouraged to review Cal/OSHA's, "Guide to Developing Your Workplace Injury and Illness Prevention Program."

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions

CSBA NOTE: Pursuant to 8 CCR 3203, districts with fewer than 10 employees may fulfill the communication requirements of Item #3 below by providing oral instruction in general safe work practices and the hazards unique to the employees' assignments.

3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards

CSBA NOTE: Districts may use a labor/management safety and health committee to communicate the contents of the injury and illness prevention program, as long as the committee satisfies the requirements specified below in the section on "Labor/Management Safety and Health Committee."

- f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
 - a. To all new employees
 - b. To all employees given new job assignments for which training has not previously been received
 - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
 - d. Whenever the district is made aware of a new or previously unrecognized hazard
 - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

CSBA NOTE: Pursuant to Labor Code 6401.7, as amended by SB 553, districts are required to establish, implement, and maintain a workplace violence prevention plan as specified in Labor Code 6401.9, as added by AB 553.

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

CSBA NOTE: Pursuant to 8 CCR 3203, employees or their designated representatives have the right to examine and receive a copy of the district's injury and illness prevention program, and districts are required to provide access as described below. 8 CCR 3203 defines "designated representative" as any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent is, by definition, treated automatically as a designated representative.

Districts are not required to include records of steps taken to implement and maintain the injury and illness prevention program. However, access to such information, or any other information in addition to that required by 8 CCR 3203, may be subject to collective bargaining.

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR

3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

CSBA NOTE: Pursuant to 8 CCR 3203, an employee has unobstructed access if, as part of the employee's regular work duties, the employee predictably and routinely uses the electronic means to communicate with management or coworkers.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

~~Labor/Management Safety and Health Committee~~

CSBA NOTE: The following optional section is for use by districts that choose to use a labor/management safety and health committee to comply with the requirements of 8 CCR 3203 regarding communication with employees as specified in Item #3 above in the section "Injury and Illness Prevention Program." Pursuant to 8 CCR 3203, if the committee adheres to the following practices, the district shall be deemed to be in substantial compliance with the communications requirements of the law.

~~The district's labor/management safety and health committee shall: (8 CCR 3203)~~

- ~~1. Meet regularly, but not less than quarterly.~~
- ~~2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.~~
- ~~3. Review results of the periodic, scheduled worksite inspections.~~
- ~~4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.~~
- ~~5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.~~
- ~~6. Submit recommendations to assist in the evaluation of employee safety suggestions.~~
- ~~7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.~~

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

CSBA NOTE: Pursuant to 8 CCR 3400, if ambulance service is not available within 30 minutes under normal conditions, the district may be required by Cal/OSHA to provide stretchers, blankets, or other adequate warm covering.

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance, using one or a combination of the provisions specified in Items #1-3 below, to ensure that employees receive prompt medical treatment for serious injury or illness. Districts should select the provision(s) that reflect district practice.

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

Protection from Communicable Diseases and Infections

CSBA NOTE: The following section contains general information in regard to bloodborne pathogens and infectious diseases as it relates to employee safety. For more information regarding bloodborne pathogens, see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. For more information regarding infectious diseases, see BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease.

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by

law; and cleaning and sanitization of district facilities and equipment.

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

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
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

	Description
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health

Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References

Description

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action

4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
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4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4157.1: Work-Related Injuries

Status: ADOPTED

Original Adopted Date: 10/01/1995 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

CSBA NOTE: Pursuant to Labor Code 3550, 3551, and 5401, all employee notices described above (i.e., the notice that must be posted in a conspicuous place, the notice provided to all employees at the time of hire, and the notice and claim form provided when an employee is injured) must be in a form prescribed by the California Department of Industrial Relations (DIR) Division of Workers' Compensation (DWC). These notices are available on the DWC's website or through the district's insurer. For districts that employ Spanish-speaking employees, the information must be made available in English and Spanish.

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

CSBA NOTE: Pursuant to Labor Code 6409.1, the district must file a report concerning any injury or illness which has, or is alleged to have, arisen out of and in the course of employment. The report is required to be filed with DIR, or, if the district is insured through a third party insurer, with the insurer. The following paragraph may be revised to reflect district practice.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

CSBA NOTE: Pursuant to Labor Code 6409.1, in addition to the report described above, a report of death or serious injury or illness is required to be immediately reported to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism established by Cal/OSHA. Labor Code 6409.1 permits districts to make the report by telephone or email until Cal/OSHA has an online mechanism available.

Labor Code 6302 redefines "serious injury or illness" as provided below.

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

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
8 CCR 15596	Notice of employee rights to workers' compensation benefits
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4032	Reasonable Accommodation

4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.2	Ergonomics
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.2	Ergonomics
4261.11	Industrial Accident/Illness Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.2	Ergonomics
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Policy 4211: Recruitment And Selection

Status: ADOPTED

Original Adopted Date: 07/01/2012 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy may be revised to reflect district practice and should be aligned with relevant collective bargaining agreement provisions.

Additionally, the Governing Board should ensure that district hiring procedures are aligned with law, Board policy, and collective bargaining agreements. In *C.A. v. William S. Hart Union High School District*, the California Supreme Court held that a district can be held vicariously liable for the negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The following paragraph reflects concepts from the California Department of Education's (CDE) publication, "How to Increase the Diversity of California's Educator Workforce," and the California Commission on Teacher Credentialing's (CTC) publication, "Strategic Plan: Ensuring Educator Excellence," related to the benefits students receive when staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

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

CSBA NOTE: Pursuant to Labor Code 432.3, an employer with 15 or more employees is required to include the pay scale for a position in any job posting.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in hiring based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. The district may utilize drug screenings that do not rely on nonpsychoactive cannabis metabolite results. Districts with questions about applicant cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive

cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

CSBA NOTE: Labor Code 432.3 prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 7920.000 - 7930.170) or the Freedom of Information Act (5 USC 552).

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

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

Incentives

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

SB 114 (Ch. 48, Statutes of 2023) establishes the Diverse Education Leaders Pipeline Initiative to train, place, and retain culturally responsive school administrators to improve student outcomes and meet the needs of California's education workforce.

Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits. For more information regarding housing for district employees, see the Center for Cities Schools (UC Berkeley), cityLAB (UCLA), and the Turner Center for Housing Innovation's (UC Berkeley), "Education Workforce Housing Handbook."

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

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

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

Ed. Code 200-262.4

Ed. Code 35035

Ed. Code 44066

Ed. Code 44259

Ed. Code 44750

Ed. Code 44830-44831

Description

[Prohibition of discrimination](#)

[Powers and duties of the superintendent; transfer authority](#)

[Limitations on certification requirements](#)

[Teaching credential, exception; designated subjects; minimum requirements](#)

[Teacher recruitment resource center](#)

[Employment of certificated persons](#)

Ed. Code 44858	Age or marital status in certificated positions
Ed. Code 44859	Prohibition against certain rules and regulations regarding residency
Ed. Code 45103-45139	Employment; classified employees
Ed. Code 49406	Examination for tuberculosis
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 815.2	Liability of public entities and public employees
H&S Code 53570-53574	Teacher Housing Act of 2016
Lab. Code 432.3	Salary information

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Description

Management Resources References

CA Commission on Teacher Credentialing Publication	Strategic Plan: Ensuring Educator Excellence, 2023
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	How to Increase the Diversity of California's Educator Workforce, April 2022
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: Developing the 21st Century Campus, 2021
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: The Handbook
Website	University of California Los Angeles, cityLAB
Website	University of California Berkeley, Turner Center for Housing Innovation
Website	University of California Berkeley, Center for Cities + Schools
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	Education Job Opportunities Information Network
Website	Teach USA
Website	California County Superintendents
Website	California Civil Rights Department
Website	U.S. Department of Education

Description

Website [U.S. Equal Employment Opportunity Commission](#)
Website [California Department of Education](#)

Cross References

Description

0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
2230	Representative And Deliberative Groups
3542	School Bus Drivers
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4100	Certificated Personnel
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.23	Special Education Staff
4112.61	Employment References
4112.8	Employment Of Relatives
4113	Assignment
4113	Assignment
4117.14	Postretirement Employment
4200	Classified Personnel
4200	Classified Personnel
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212	Appointment And Conditions Of Employment
4212.61	Employment References
4212.8	Employment Of Relatives
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.1	Contracts
4312.61	Employment References
4312.8	Employment Of Relatives

4317.14	Postretirement Employment
4331	Staff Development
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6171	Title I Programs
6171	Title I Programs
9000	Role Of The Board

Regulation 4212.5: Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Education Code 44830.1, 44836, 45122.1, and 45123 prohibit the district from hiring or retaining in employment, in a certificated or classified position, a person who has been convicted of or pleads no contest to a violent or serious felony, sex offense, or controlled substance offense, as defined. Exceptions specified in law are reflected in Items #1-5 below.

These requirements apply to job applicants, temporary employees, substitute employees, and probationary employees serving before March 15 of their second year. Employees with permanent status may only be suspended or dismissed in accordance with the grounds and procedures specified in BP/AR 4118 - Dismissal/Suspension/Disciplinary Action or BP/AR 4218 - Dismissal/Suspension/Disciplinary Action, as applicable.

However, pursuant to Government Code 12954, the district may not discriminate against a person in hiring, termination, or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. Certain employees may be subject to stricter laws related to drug testing. Districts with questions about drug testing employees should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

CSBA NOTE: The following optional paragraph is for use by districts that issue temporary certificates pursuant to Education Code 44332.5 to authorize salary payments while a certificated employee's credential application is being processed. If the issuance of temporary certificates is handled by the county office of education, the following paragraph should be deleted.

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

CSBA NOTE: The following section may be revised to reflect district practice. To fulfill the requirement for a

criminal record check through the California Department of Justice (DOJ) and Federal Bureau of Investigation, the applicant is required to submit fingerprints using the electronic Live Scan process. Locations offering the Live Scan service are listed on the DOJ's website. The DOJ provides the results to the district via email, or by U.S. mail if no email is available.

While the DOJ normally does not provide notice of a conviction for which relief has been granted, pursuant to Penal Code 11105, the Commission on Teacher Credentialing will receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted. However, notwithstanding the above, pursuant to Penal Code 1203.425, information for a conviction for a controlled substance offense listed in Health and Safety Code 11350 or 11377, or former Health and Safety Code 11500 or 11500.5, that is more than five years old, for which relief is granted, is prohibited from being disseminated.

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

CSBA NOTE: Pursuant to Education Code 44830.1 and 45125, the district is required to sign up for "subsequent arrest notification" from the DOJ in accordance with Penal Code 11105.2. Forms available for this purpose are available on DOJ's website.

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

CSBA NOTE: To be qualified to obtain Criminal Record Offender Information (CORI) for the purpose of employment decisions, the district is required to apply to the DOJ for authorization and is required to designate at least one custodian of records who is responsible for the security, storage, dissemination, and destruction of criminal records furnished to the district.

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

CSBA NOTE: The DOJ requires every person with access to CORI, including the custodian of records, to complete an Employee Statement Form acknowledging an understanding of the law governing CORI. The custodian of records is required to return such form to the DOJ and to retain any forms completed by other district staff. The Employee Statement Form is reproduced in the accompanying Exhibit.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

CSBA NOTE: The following optional section is for use by any district that has been designated to act on behalf of other school districts within the same county or in contiguous counties to share CORI as authorized by Education Code 44830.2 and 45125.01. Districts that have not entered into an agreement to share such information, or for whom another district or the County Superintendent of Schools has been designated to receive and share the information, should delete this section.

Pursuant to Education Code 45125.01, any district that participates in such an interagency agreement may use this arrangement to conduct criminal background checks for a noncertificated candidate for a paid or volunteer position in a student activity program pursuant to Education Code 49024; see BP/AR 1240 - Volunteer Assistance and BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches.

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education

Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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
11 CCR 701-708	Criminal offender record information
11 CCR 720-724	Incomplete criminal history information
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

Description

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks
Website	CSBA

Cross References

Description

1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4200	Classified Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.23	Unauthorized Release Of Confidential/Privileged Information

4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.23	Unauthorized Release Of Confidential/Privileged Information
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9011	Disclosure Of Confidential/Privileged Information

Exhibit 4212.5-E(1): Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1997 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following is based on the sample Employee Statement Form provided by the California Department of Justice. Such a form must be signed by an employee designated as custodian of records of criminal history information and any other individual granted access to this information by the custodian of records; see the accompanying administrative regulation.

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of _____ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

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State References

11 CCR 701-708	Criminal offender record information
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Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

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1240	Volunteer Assistance
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3515.3	District Police/Security Department
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3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
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Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2019 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation are for use by districts that have not incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have incorporated the merit system, see BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

The following optional policy and accompanying administrative regulation are subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

The Governing Board expects all employees to perform their jobs satisfactorily, to exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

CSBA NOTE: When disciplining an employee, the district must ensure that all of the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework.

Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance.

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. For more information, see the U.S. Department of Education's May 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools." Also see BP/AR 4030 - Nondiscrimination in Employment and BP 4119.1 - Civil and Legal Rights.

In *Visalia Unified School District v. Public Employment Relations Board (PERB)*, the Fifth District Court of Appeal upheld PERB's determination that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of the employee's complaint of retaliation for union activities and that the district retaliated against the employee. However, the court ultimately held in favor of the district, finding that the district proved it would have terminated the employee for poor performance regardless of the protected union activity. Districts with questions about terminating an officer of an employee organization are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of wages, or dismissal.

A probationary classified employee may be dismissed without cause anytime before the probationary period expires.

CSBA NOTE: Education Code 45113 mandates districts not incorporating the merit system to prescribe, by written rule or regulation, causes and procedures for disciplinary action against permanent classified employees. Also, see the accompanying administrative regulation.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Serious Disciplinary Proceedings

CSBA NOTE: The following section should be revised to reflect district practice.

In *Skelly v. State Personnel Board*, the California Supreme Court held that permanent public employees have a right to certain due process protections prior to any punitive disciplinary action, such as termination, suspension, or demotion. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee who may be wrongfully disciplined, without necessitating a full evidentiary hearing before the Governing Board. Therefore, CSBA recommends that the Superintendent or designee appoint a Skelly officer to evaluate whether there are reasonable grounds for believing that the employee engaged in the alleged misconduct and whether the proposed discipline is justified.

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

CSBA NOTE: Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any disciplinary action against the employee, including a time period during which the employee may request a Board hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

Pursuant to Education Code 45113, the Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. Districts that refer all disciplinary matters to a third-party hearing officer rather than holding Board hearings should revise the remainder of this section accordingly.

Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board or by a third-party hearing officer, in accordance with law. (Education Code 45113, 45312)

CSBA NOTE: Education Code 45113 prohibits a district from suspending without pay, suspending or demoting with a reduction in pay, or dismissing a permanent classified employee who timely requests a hearing pending discipline, unless excepted by law. To the extent Education Code 45113 conflicts with any collective bargaining agreement the district entered into before January 1, 2023, the new requirements described above would not apply until the expiration or renewal of the agreement. See the section "Employment Status Pending a Disciplinary Hearing" in the accompanying administrative regulation.

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113 and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

CSBA NOTE: Pursuant to Education Code 44990, an administrative law judge in a suspension or dismissal hearing is required to preserve the integrity of the truth-finding function by balancing the right of a classified employee against the need to protect a minor witness.

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Compulsory Leave of Absence

CSBA NOTE: Pursuant to Education Code 44940, 44940.5 and 45304, the district is required to place an employee charged with a "mandatory leave of absence offense" on a compulsory leave of absence; see the accompanying administrative regulation.

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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

CA Constitution Article 1, Section 1

Ed. Code 35161

Ed. Code 44009

Ed. Code 44010

Ed. Code 44011

Ed. Code 44940

Ed. Code 44940.5

Description

[Inalienable rights](#)

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[Conviction of specified crimes](#)

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Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45116	Notice of disciplinary action
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Gov. Code 12954	Employment discrimination; cannabis use
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213
U.S. Constitution, First Amendment

Description

[Americans with Disabilities Act](#)
[Free exercise, free speech, and establishment clauses](#)

Management Resources References

Court Decision
Court Decision
Court Decision
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U.S. Department of Education Publication
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[Visalia Unified School District v. Public Employment Relations Board \(2024\) 98 Cal.App.5th 844](#)
[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)
[California School Employees v. Livingston Union School District \(2007\) 149 Cal. App. 4th 391](#)
[CSEA v. Foothill Community College District \(1975\) 52 Cal. App. 3rd 150](#)
[Skelly v. California Personnel Board \(1975\) 15 Cal.3d 194](#)
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)
[Office of the Attorney General](#)
[Office of Administrative Hearings](#)
[Department of General Services, About Teacher Dismissal Case Type](#)
[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Education](#)
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Cross References

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Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

Causes for Disciplinary Action

CSBA NOTE: The following optional administrative regulation is subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreements. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law. Education Code 45113 mandates districts not incorporating the merit system to prescribe, by rule or regulation, causes for disciplinary action against permanent classified employees. Pursuant to Education Code 45101, such employees may be disciplined only for cause as so prescribed.

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

CSBA NOTE: Pursuant to Education Code 45122.1, 45123, and 45124, districts must not continue to employ anyone who has been convicted of a specified sex offense, controlled substance offense, or violent or serious offense as defined, except for employees who have been rehabilitated or had their conviction reversed or the charges dismissed. Also see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

Pursuant to Government Code 12954, the district may not discriminate against a person in termination or any term or condition of employment, based on the person's use of cannabis when off the job or away from the workplace, and consequently, districts may be prohibited from disciplining employees in certain circumstances. However, certain employees may be subject to stricter laws related to drug testing. Districts with questions about drug testing employees should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position

CSBA NOTE: Pursuant to the federal Americans with Disabilities Act (42 USC 12101-12213) and the state's

Fair Employment and Housing Act (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job.

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

No disciplinary action shall be taken for any cause that arose before the employee became permanent, nor for any cause that arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

Initiation and Notification of Charges

CSBA NOTE: Pursuant to *Skelly v. State Personnel Board*, permanent public employees are entitled to due process before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include notice of the materials upon which the proposed action is based and the right to respond, either orally or in writing, to a district official ("Skelly officer") who is designated to decide whether the recommended discipline should be imposed.

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

CSBA NOTE: Education Code 45113 mandates districts to adopt disciplinary procedures that contain provisions for giving classified employees written notice of specific charges, the employee's right to a hearing on those charges, the time within which the hearing may be requested, and a card or paper to complete to request a hearing.

The Superintendent or designee shall file any final recommendation for disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested, which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

Request for Board Hearing

CSBA NOTE: As provided in the section "Initiation and Notification of Charges" above, Education Code 45113 requires that the notice of disciplinary action include the time within which a hearing may be requested, which cannot be less than five days after service of the notice to the employee. In *California School Employees Association v. Livingston Union School District*, the appeals court ruled that the district failed to provide due process to an employee when it denied the employee the opportunity to request a hearing based on the employee's failure to respond within five days after service of the notice. The district's policy had established the date of "service of the notice" as the date of mailing, but the employee was a 10-month employee who was out of town when the notice was delivered. The court held that the notice was not "reasonably calculated" to provide an

opportunity to timely request a hearing. Thus, it is recommended that districts use the date of the employee's receipt of the notice as the date upon which the five-day response period begins. For further information on the evidentiary hearing conducted by the Board or a hearing officer, see the accompanying Board policy.

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Disciplinary Hearing

CSBA NOTE: Education Code 45113 prohibits a district from suspending without pay, suspending or demoting with a reduction in pay, or dismissing a permanent classified employee who timely requests a hearing pending discipline, unless excepted by law as reflected below. To the extent Education Code 45113 conflicts with any collective bargaining agreement the district entered into before January 1, 2023, the new requirements described above would not apply until the expiration or renewal of the agreement.

A classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. The employee shall not be suspended without pay, suspended or demoted with a reduction in pay, or dismissed pending the outcome of a timely requested hearing, except as specified below. (Education Code 45113)

However, the disciplinary action may be imposed prior to the decision if the Board, or an impartial third-party hearing officer provided pursuant to a collective bargaining agreement, finds by a preponderance of the evidence that at the time discipline was imposed, the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Such finding(s) must be made at the conclusion of the Skelly review process. (Education Code 45113)

In such cases where the disciplinary action is imposed prior to the decision, the employee shall be given written notice of the disciplinary action and the findings made at the conclusion of the Skelly review process. Such written notice shall be served upon the employee personally.

In addition, the district may cease paying the employee if a decision has not been rendered by an impartial third-party hearing officer, pursuant to a collective bargaining agreement, or the Board within 30 days of the date the hearing was requested. (Education Code 45113)

Compulsory Leave of Absence

CSBA NOTE: State law requires that classified employees in merit system districts and certificated employees be immediately placed on compulsory leave of absence when the district has been informed that charges have been filed on a mandatory leave of absence offense specified in Education Code 44940 and 45304, and gives districts discretion to place such employees on leave for other specified offenses. Existing law does not provide for application to classified employees in nonmerit system districts regarding compulsory leave of absence.

Upon being informed that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44940, 45304)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in

Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinol. (Education Code 44940, 44940.5, 45304)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal. (Education Code 44940, 44940.5)

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

CA Constitution Article 1, Section 1
 Ed. Code 35161
 Ed. Code 44009
 Ed. Code 44010
 Ed. Code 44011
 Ed. Code 44940
 Ed. Code 44940.5
 Ed. Code 45101
 Ed. Code 45109
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[Procedures when employees are placed on compulsory leave of absence](#)
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[Employment discrimination; cannabis use](#)
[School bus drivers; dismissal for safety-related cause](#)

Federal References

42 USC 12101-12213
 U.S. Constitution, First Amendment

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[Americans with Disabilities Act](#)
[Free exercise, free speech, and establishment clauses](#)

Management Resources References

Court Decision
 Court Decision
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 U.S. Department of Education Publication
 Website

Description

[Visalia Unified School District v. Public Employment Relations Board \(2024\) 98 Cal.App.5th 844](#)
[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)
[California School Employees v. Livingston Union School District \(2007\) 149 Cal. App. 4th 391](#)
[CSEA v. Foothill Community College District \(1975\) 52 Cal. App. 3rd 150](#)
[Skelly v. California Personnel Board \(1975\) 15 Cal.3d 194](#)
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)
[Office of the Attorney General](#)

Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education
Website	CSBA

Cross References

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1114	District-Sponsored Social Media
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Policy 4240: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of specified employees wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which employees to be represented by that organization are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the organization, (2) another employee organization files a challenge to the appropriateness of the organization or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

While the terms "employee organization," "exclusive representative," "recognized employee organization," and "bargaining unit" are similar, the differences are important for purposes of understanding the rights and obligations of each one. As defined by Government 3540.1, "employee organization" means an organization that includes district employees that represents those employees in their relations with the district as one of its primary purposes; "exclusive representative" means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees; and "recognized employee organization" means an employee organization that has been recognized by a district as the exclusive representative. "Bargaining unit" is not defined in statute but is used in this policy to referred to the entity with which the district is required to bargain regarding compensation and working conditions for a represented group of district employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that bargaining unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: The Public Employment Relations Board (PERB) uses a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons, insignia, or other pictorial or written messages by employees is justified by special circumstances. In East Whittier School District, PERB found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to limiting the wearing of union buttons, insignia, or other pictorial or written messages.

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management (including senior management) and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an exclusive representative. Certain management positions designated by the Board under state law such as Education Code 45100.5 may be subject to review by PERB. For questions regarding which positions qualify as "management" or "confidential," districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

District Communications to Employees

CSBA NOTE: This section is optional and may be revised to reflect district practice. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA's District and County Office of Education Legal Services or district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

Access to New Employee Orientations

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025.

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

CSBA NOTE: Pursuant to Government Code 3556, the district must provide at least 30 minutes of paid time for new employees to attend the meeting. However, nothing prohibits the district and the exclusive representative from providing more than 30 minutes of paid time.

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558 and 7928.300, which implemented the decision by the California Supreme Court in County of Los Angeles v. Los Angeles County Employee Relations Commission, districts are required to provide each exclusive representative with the home address, home telephone number(s), and personal cell phone number of every employee represented by the exclusive representative unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

CSBA NOTE: Pursuant to Government Code 3558, specified contact information is required to be provided for all employees every 120 days and within 30 days of the date of hire or by the first pay period of the month following the date of hire for new employees. The following paragraph should be revised if districts have an agreement with an exclusive representative requiring more frequent disclosure.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6205-6210 and 6215-6216 to protect victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended, pursuant to Government Code 6205-6210, as amended by AB 243 (Ch. 642, Statutes of 2023), to victims of child abduction and members of their households.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. If the alleged violation involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. The opportunity to cure is limited to not more than three times in any 12-month period. If a violation is found, PERB is required to assess against the district a civil penalty of at most \$10,000 and payment of the exclusive representative's attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558 limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violations and may be revised to reflect district practice.

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees by Employee Organizations

CSBA NOTE: Pursuant to Government Code 3543.1, districts are required, subject to "reasonable regulation" set forth by the district and at "reasonable times," to provide an employee organization with access to the work areas of employees represented by the employee organization and district facilities for the purpose of meetings with employees represented by the employee organization. Similarly, Government Code 3543.1 requires the district, subject to "reasonable regulation" by the district, to provide an employee organization with the use of institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the

employee organization. In Desert Community College District, PERB held that the district must show that a regulation is "reasonable" if it is (1) necessary to the efficient operation of the district's business and/or safety of its employees and others and (2) narrowly drawn to avoid overboard, unnecessary interference with the exercise of statutory rights. Such regulation is also subject to bargaining with the exclusive representative, if applicable. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to adopting or implementing such regulations.

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Employees who choose to become members of an employee organization pay membership dues, which are required to be deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, employees who choose not to become members of an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of Education Code 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement
Gov. Code 7928.300	Disclosure of employee contact information to employee organization

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	CSBA District and County Office of Education Legal Services
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
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Cross References**Description**

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Policy 4257: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation may be subject to collective bargaining agreements and should be modified to reflect district practice. Pursuant to Government Code 3543.2, safety conditions of employment are within the scope of bargaining.

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

CSBA NOTE: Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), requires the district's injury prevention program to include a workplace violence prevention plan.

Additionally, 8 CCR 3203 requires the district to provide employees with access to the district's injury and illness prevention program.

See the accompanying administrative regulation for required injury prevention program elements and specific requirements related to employee access.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance to ensure that employees receive prompt medical treatment for serious injury or illness. See the accompanying administrative regulation for specific requirements.

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
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4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4257: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

CSBA NOTE: Pursuant to Labor Code 6325, the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. In such cases, Cal/OSHA will provide a notice that must be posted in a conspicuous place at the place of employment.

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

Injury and Illness Prevention Program

CSBA NOTE: The following section reflects the requirements of Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), and 8 CCR 3203 for a written injury and illness prevention program. When developing such a program, districts are encouraged to review Cal/OSHA's, "Guide to Developing Your Workplace Injury and Illness Prevention Program."

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions

CSBA NOTE: Pursuant to 8 CCR 3203, districts with fewer than 10 employees may fulfill the communication requirements of Item #3 below by providing oral instruction in general safe work practices and the hazards unique to the employees' assignments.

3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards

CSBA NOTE: Districts may use a labor/management safety and health committee to communicate the contents of the injury and illness prevention program, as long as the committee satisfies the requirements specified below in the section on "Labor/Management Safety and Health Committee."

- f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
 - a. To all new employees
 - b. To all employees given new job assignments for which training has not previously been received
 - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
 - d. Whenever the district is made aware of a new or previously unrecognized hazard
 - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

CSBA NOTE: Pursuant to Labor Code 6401.7, as amended by SB 553, districts are required to establish, implement, and maintain a workplace violence prevention plan as specified in Labor Code 6401.9, as added by AB 553.

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

CSBA NOTE: Pursuant to 8 CCR 3203, employees or their designated representatives have the right to examine and receive a copy of the district's injury and illness prevention program, and districts are required to provide access as described below. 8 CCR 3203 defines "designated representative" as any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent is, by definition, treated automatically as a designated representative.

Districts are not required to include records of steps taken to implement and maintain the injury and illness prevention program. However, access to such information, or any other information in addition to that required by 8 CCR 3203, may be subject to collective bargaining.

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR

3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

CSBA NOTE: Pursuant to 8 CCR 3203, an employee has unobstructed access if, as part of the employee's regular work duties, the employee predictably and routinely uses the electronic means to communicate with management or coworkers.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

Labor/Management Safety and Health Committee

CSBA NOTE: The following optional section is for use by districts that choose to use a labor/management safety and health committee to comply with the requirements of 8 CCR 3203 regarding communication with employees as specified in Item #3 above in the section "Injury and Illness Prevention Program." Pursuant to 8 CCR 3203, if the committee adheres to the following practices, the district shall be deemed to be in substantial compliance with the communications requirements of the law.

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

CSBA NOTE: Pursuant to 8 CCR 3400, if ambulance service is not available within 30 minutes under normal conditions, the district may be required by Cal/OSHA to provide stretchers, blankets, or other adequate warm covering.

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance, using one or a combination of the provisions specified in Items #1-3 below, to ensure that employees receive prompt medical treatment for serious injury or illness. Districts should select the provision(s) that reflect district practice.

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

Protection from Communicable Diseases and Infections

CSBA NOTE: The following section contains general information in regard to bloodborne pathogens and infectious diseases as it relates to employee safety. For more information regarding bloodborne pathogens, see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. For more information regarding infectious diseases, see BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease.

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by

law; and cleaning and sanitization of district facilities and equipment.

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

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
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
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Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

	Description
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health

Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References

Description

0450	Comprehensive Safety Plan
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3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
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4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
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4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
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4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4257.1: Work-Related Injuries

Status: ADOPTED

Original Adopted Date: 10/01/1995 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

CSBA NOTE: Pursuant to Labor Code 3550, 3551, and 5401, all employee notices described above (i.e., the notice that must be posted in a conspicuous place, the notice provided to all employees at the time of hire, and the notice and claim form provided when an employee is injured) must be in a form prescribed by the California Department of Industrial Relations (DIR) Division of Workers' Compensation (DWC). These notices are available on the DWC's website or through the district's insurer. For districts that employ Spanish-speaking employees, the information must be made available in English and Spanish.

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

CSBA NOTE: Pursuant to Labor Code 6409.1, the district must file a report concerning any injury or illness which has, or is alleged to have, arisen out of and in the course of employment. The report is required to be filed with DIR, or, if the district is insured through a third party insurer, with the insurer. The following paragraph may be revised to reflect district practice.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

CSBA NOTE: Pursuant to Labor Code 6409.1, in addition to the report described above, a report of death or serious injury or illness is required to be immediately reported to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism established by Cal/OSHA. Labor Code 6409.1 permits districts to make the report by telephone or email until Cal/OSHA has an online mechanism available.

Labor Code 6302 redefines "serious injury or illness" as provided below.

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

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State References

	Description
8 CCR 15596	Notice of employee rights to workers' compensation benefits
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4032	Reasonable Accommodation

4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.2	Ergonomics
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
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4257.2	Ergonomics
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4357	Employee Safety
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4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Policy 4311: Recruitment And Selection

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy may be revised to reflect district practice and should be aligned with relevant collective bargaining agreement provisions.

Additionally, the Governing Board should ensure that district hiring procedures are aligned with law, Board policy, and collective bargaining agreements. In *C.A. v. William S. Hart Union High School District*, the California Supreme Court held that a district can be held vicariously liable for the negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The following paragraph reflects concepts from the California Department of Education's (CDE) publication, "How to Increase the Diversity of California's Educator Workforce," and the California Commission on Teacher Credentialing's (CTC) publication, "Strategic Plan: Ensuring Educator Excellence," related to the benefits students receive when staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

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

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

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

CSBA NOTE: Pursuant to Labor Code 432.3, an employer with 15 or more employees is required to include the pay scale for a position in any job posting.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

CSBA NOTE: Pursuant to Government Code 12954, the district may not discriminate against a person in hiring based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. However, Government Code 12954 does not interfere with the district's right to maintain drug-free schools or to prohibit employees from possessing, being impaired by, or using cannabis while at work. Government Code 12954 does not preempt state or federal laws requiring applicants to be tested for controlled substances as a condition of employment or to applicants in the building and construction trades or for positions requiring a federal background investigation. The district may utilize drug screenings that do not rely on nonpsychoactive cannabis metabolite results. Districts with questions about applicant cannabis use or screening should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive

cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

CSBA NOTE: Labor Code 432.3 prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 7920.000 - 7930.170) or the Freedom of Information Act (5 USC 552).

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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

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

Incentives

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

SB 114 (Ch. 48, Statutes of 2023) establishes the Diverse Education Leaders Pipeline Initiative to train, place, and retain culturally responsive school administrators to improve student outcomes and meet the needs of California's education workforce.

Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits. For more information regarding housing for district employees, see the Center for Cities Schools (UC Berkeley), cityLAB (UCLA), and the Turner Center for Housing Innovation's (UC Berkeley), "Education Workforce Housing Handbook."

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

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

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

Ed. Code 200-262.4

Ed. Code 35035

Ed. Code 44066

Ed. Code 44259

Ed. Code 44750

Ed. Code 44830-44831

Description

[Prohibition of discrimination](#)

[Powers and duties of the superintendent; transfer authority](#)

[Limitations on certification requirements](#)

[Teaching credential, exception; designated subjects; minimum requirements](#)

[Teacher recruitment resource center](#)

[Employment of certificated persons](#)

Ed. Code 44858	Age or marital status in certificated positions
Ed. Code 44859	Prohibition against certain rules and regulations regarding residency
Ed. Code 45103-45139	Employment; classified employees
Ed. Code 49406	Examination for tuberculosis
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 815.2	Liability of public entities and public employees
H&S Code 53570-53574	Teacher Housing Act of 2016
Lab. Code 432.3	Salary information

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Description

Management Resources References

CA Commission on Teacher Credentialing Publication	Strategic Plan: Ensuring Educator Excellence, 2023
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	How to Increase the Diversity of California's Educator Workforce, April 2022
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: Developing the 21st Century Campus, 2021
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	Education Workforce Housing in California: The Handbook
Website	University of California Los Angeles, cityLAB
Website	University of California Berkeley, Turner Center for Housing Innovation
Website	University of California Berkeley, Center for Cities + Schools
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	Education Job Opportunities Information Network
Website	Teach USA
Website	California County Superintendents
Website	California Civil Rights Department
Website	U.S. Department of Education

Description

Website [U.S. Equal Employment Opportunity Commission](#)
Website [California Department of Education](#)

Cross References

Description

0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
2230	Representative And Deliberative Groups
3542	School Bus Drivers
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4100	Certificated Personnel
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.23	Special Education Staff
4112.61	Employment References
4112.8	Employment Of Relatives
4113	Assignment
4113	Assignment
4117.14	Postretirement Employment
4200	Classified Personnel
4200	Classified Personnel
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212	Appointment And Conditions Of Employment
4212.61	Employment References
4212.8	Employment Of Relatives
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.1	Contracts
4312.61	Employment References
4312.8	Employment Of Relatives

4317.14	Postretirement Employment
4331	Staff Development
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6171	Title I Programs
6171	Title I Programs
9000	Role Of The Board

Regulation 4312.5: Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Education Code 44830.1, 44836, 45122.1, and 45123 prohibit the district from hiring or retaining in employment, in a certificated or classified position, a person who has been convicted of or pleads no contest to a violent or serious felony, sex offense, or controlled substance offense, as defined. Exceptions specified in law are reflected in Items #1-5 below.

These requirements apply to job applicants, temporary employees, substitute employees, and probationary employees serving before March 15 of their second year. Employees with permanent status may only be suspended or dismissed in accordance with the grounds and procedures specified in BP/AR 4118 - Dismissal/Suspension/Disciplinary Action or BP/AR 4218 - Dismissal/Suspension/Disciplinary Action, as applicable.

However, pursuant to Government Code 12954, the district may not discriminate against a person in hiring, termination, or any term or condition of employment based on the person's use of cannabis when off the job or away from the workplace. Additionally, Government Code 12954, as amended by SB 700 (Ch. 408, Statutes of 2023), prohibits the district from requesting information from an applicant related to the applicant's prior use of cannabis, apart from the person's criminal history, unless the district is otherwise legally permitted to consider or inquire about that information. Certain employees may be subject to stricter laws related to drug testing. Districts with questions about drug testing employees should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

CSBA NOTE: The following optional paragraph is for use by districts that issue temporary certificates pursuant to Education Code 44332.5 to authorize salary payments while a certificated employee's credential application is being processed. If the issuance of temporary certificates is handled by the county office of education, the following paragraph should be deleted.

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

CSBA NOTE: The following section may be revised to reflect district practice. To fulfill the requirement for a

criminal record check through the California Department of Justice (DOJ) and Federal Bureau of Investigation, the applicant is required to submit fingerprints using the electronic Live Scan process. Locations offering the Live Scan service are listed on the DOJ's website. The DOJ provides the results to the district via email, or by U.S. mail if no email is available.

While the DOJ normally does not provide notice of a conviction for which relief has been granted, pursuant to Penal Code 11105, the Commission on Teacher Credentialing will receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted. However, notwithstanding the above, pursuant to Penal Code 1203.425, information for a conviction for a controlled substance offense listed in Health and Safety Code 11350 or 11377, or former Health and Safety Code 11500 or 11500.5, that is more than five years old, for which relief is granted, is prohibited from being disseminated.

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

CSBA NOTE: Pursuant to Education Code 44830.1 and 45125, the district is required to sign up for "subsequent arrest notification" from the DOJ in accordance with Penal Code 11105.2. Forms available for this purpose are available on DOJ's website.

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

CSBA NOTE: To be qualified to obtain Criminal Record Offender Information (CORI) for the purpose of employment decisions, the district is required to apply to the DOJ for authorization and is required to designate at least one custodian of records who is responsible for the security, storage, dissemination, and destruction of criminal records furnished to the district.

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

CSBA NOTE: The DOJ requires every person with access to CORI, including the custodian of records, to complete an Employee Statement Form acknowledging an understanding of the law governing CORI. The custodian of records is required to return such form to the DOJ and to retain any forms completed by other district staff. The Employee Statement Form is reproduced in the accompanying Exhibit.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

CSBA NOTE: The following optional section is for use by any district that has been designated to act on behalf of other school districts within the same county or in contiguous counties to share CORI as authorized by Education Code 44830.2 and 45125.01. Districts that have not entered into an agreement to share such information, or for whom another district or the County Superintendent of Schools has been designated to receive and share the information, should delete this section.

Pursuant to Education Code 45125.01, any district that participates in such an interagency agreement may use this arrangement to conduct criminal background checks for a noncertificated candidate for a paid or volunteer position in a student activity program pursuant to Education Code 49024; see BP/AR 1240 - Volunteer Assistance and BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches.

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education

Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

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
11 CCR 701-708	Criminal offender record information
11 CCR 720-724	Incomplete criminal history information
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

Description

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks
Website	CSBA

Cross References

Description

1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4200	Classified Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.23	Unauthorized Release Of Confidential/Privileged Information

4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.23	Unauthorized Release Of Confidential/Privileged Information
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9011	Disclosure Of Confidential/Privileged Information

Exhibit 4312.5-E(1): Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1997 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following is based on the sample Employee Statement Form provided by the California Department of Justice. Such a form must be signed by an employee designated as custodian of records of criminal history information and any other individual granted access to this information by the custodian of records; see the accompanying administrative regulation.

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of _____ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

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

11 CCR 701-708	Criminal offender record information
11 CCR 720-724	Incomplete criminal history information
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks
Website	CSBA

Cross References**Description**

1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4200	Classified Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.23	Unauthorized Release Of Confidential/Privileged Information
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications

4319.23	Unauthorized Release Of Confidential/Privileged Information
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9011	Disclosure Of Confidential/Privileged Information

Policy 4340: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of specified employees wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which employees to be represented by that organization are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the organization, (2) another employee organization files a challenge to the appropriateness of the organization or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

While the terms "employee organization," "exclusive representative," "recognized employee organization," and "bargaining unit" are similar, the differences are important for purposes of understanding the rights and obligations of each one. As defined by Government 3540.1, "employee organization" means an organization that includes district employees that represents those employees in their relations with the district as one of its primary purposes; "exclusive representative" means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees; and "recognized employee organization" means an employee organization that has been recognized by a district as the exclusive representative. "Bargaining unit" is not defined in statute but is used in this policy to referred to the entity with which the district is required to bargain regarding compensation and working conditions for a represented group of district employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that bargaining unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: The Public Employment Relations Board (PERB) uses a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons, insignia, or other pictorial or written messages by employees is justified by special circumstances. In East Whittier School District, PERB found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to limiting the wearing of union buttons, insignia, or other pictorial or written messages.

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management (including senior management) and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an exclusive representative. Certain management positions designated by the Board under state law such as Education Code 45100.5 may be subject to review by PERB. For questions regarding which positions qualify as "management" or "confidential," districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

District Communications to Employees

CSBA NOTE: This section is optional and may be revised to reflect district practice. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA's District and County Office of Education Legal Services or district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

Access to New Employee Orientations

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025.

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

CSBA NOTE: Pursuant to Government Code 3556, the district must provide at least 30 minutes of paid time for new employees to attend the meeting. However, nothing prohibits the district and the exclusive representative from providing more than 30 minutes of paid time.

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558 and 7928.300, which implemented the decision by the California Supreme Court in County of Los Angeles v. Los Angeles County Employee Relations Commission, districts are required to provide each exclusive representative with the home address, home telephone number(s), and personal cell phone number of every employee represented by the exclusive representative unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

CSBA NOTE: Pursuant to Government Code 3558, specified contact information is required to be provided for all employees every 120 days and within 30 days of the date of hire or by the first pay period of the month following the date of hire for new employees. The following paragraph should be revised if districts have an agreement with an exclusive representative requiring more frequent disclosure.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6205-6210 and 6215-6216 to protect victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended, pursuant to Government Code 6205-6210, as amended by AB 243 (Ch. 642, Statutes of 2023), to victims of child abduction and members of their households.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. If the alleged violation involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. The opportunity to cure is limited to not more than three times in any 12-month period. If a violation is found, PERB is required to assess against the district a civil penalty of at most \$10,000 and payment of the exclusive representative's attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558 limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violations and may be revised to reflect district practice.

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees by Employee Organizations

CSBA NOTE: Pursuant to Government Code 3543.1, districts are required, subject to "reasonable regulation" set forth by the district and at "reasonable times," to provide an employee organization with access to the work areas of employees represented by the employee organization and district facilities for the purpose of meetings with employees represented by the employee organization. Similarly, Government Code 3543.1 requires the district, subject to "reasonable regulation" by the district, to provide an employee organization with the use of institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the

employee organization. In Desert Community College District, PERB held that the district must show that a regulation is "reasonable" if it is (1) necessary to the efficient operation of the district's business and/or safety of its employees and others and (2) narrowly drawn to avoid overboard, unnecessary interference with the exercise of statutory rights. Such regulation is also subject to bargaining with the exclusive representative, if applicable. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to adopting or implementing such regulations.

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Employees who choose to become members of an employee organization pay membership dues, which are required to be deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, employees who choose not to become members of an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of Education Code 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement
Gov. Code 7928.300	Disclosure of employee contact information to employee organization

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	CSBA District and County Office of Education Legal Services
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
Website	CSBA

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4158	Employee Security
4158	Employee Security
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees

4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4357: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation may be subject to collective bargaining agreements and should be modified to reflect district practice. Pursuant to Government Code 3543.2, safety conditions of employment are within the scope of bargaining.

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

CSBA NOTE: Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), requires the district's injury prevention program to include a workplace violence prevention plan.

Additionally, 8 CCR 3203 requires the district to provide employees with access to the district's injury and illness prevention program.

See the accompanying administrative regulation for required injury prevention program elements and specific requirements related to employee access.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance to ensure that employees receive prompt medical treatment for serious injury or illness. See the accompanying administrative regulation for specific requirements.

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions

4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
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4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4357: Employee Safety

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

CSBA NOTE: Pursuant to Labor Code 6325, the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. In such cases, Cal/OSHA will provide a notice that must be posted in a conspicuous place at the place of employment.

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

Injury and Illness Prevention Program

CSBA NOTE: The following section reflects the requirements of Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), and 8 CCR 3203 for a written injury and illness prevention program. When developing such a program, districts are encouraged to review Cal/OSHA's, "Guide to Developing Your Workplace Injury and Illness Prevention Program."

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions

CSBA NOTE: Pursuant to 8 CCR 3203, districts with fewer than 10 employees may fulfill the communication requirements of Item #3 below by providing oral instruction in general safe work practices and the hazards unique to the employees' assignments.

3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but is not limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards

CSBA NOTE: Districts may use a labor/management safety and health committee to communicate the contents of the injury and illness prevention program, as long as the committee satisfies the requirements specified below in the section on "Labor/Management Safety and Health Committee."

- f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:
 - a. To all new employees
 - b. To all employees given new job assignments for which training has not previously been received
 - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
 - d. Whenever the district is made aware of a new or previously unrecognized hazard
 - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

CSBA NOTE: Pursuant to Labor Code 6401.7, as amended by SB 553, districts are required to establish, implement, and maintain a workplace violence prevention plan as specified in Labor Code 6401.9, as added by AB 553.

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

CSBA NOTE: Pursuant to 8 CCR 3203, employees or their designated representatives have the right to examine and receive a copy of the district's injury and illness prevention program, and districts are required to provide access as described below. 8 CCR 3203 defines "designated representative" as any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent is, by definition, treated automatically as a designated representative.

Districts are not required to include records of steps taken to implement and maintain the injury and illness prevention program. However, access to such information, or any other information in addition to that required by 8 CCR 3203, may be subject to collective bargaining.

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR

3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

CSBA NOTE: Pursuant to 8 CCR 3203, an employee has unobstructed access if, as part of the employee's regular work duties, the employee predictably and routinely uses the electronic means to communicate with management or coworkers.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

Labor/Management Safety and Health Committee

CSBA NOTE: The following optional section is for use by districts that choose to use a labor/management safety and health committee to comply with the requirements of 8 CCR 3203 regarding communication with employees as specified in Item #3 above in the section "Injury and Illness Prevention Program." Pursuant to 8 CCR 3203, if the committee adheres to the following practices, the district shall be deemed to be in substantial compliance with the communications requirements of the law.

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

CSBA NOTE: Pursuant to 8 CCR 3400, if ambulance service is not available within 30 minutes under normal conditions, the district may be required by Cal/OSHA to provide stretchers, blankets, or other adequate warm covering.

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance, using one or a combination of the provisions specified in Items #1-3 below, to ensure that employees receive prompt medical treatment for serious injury or illness. Districts should select the provision(s) that reflect district practice.

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate

Protection from Communicable Diseases and Infections

CSBA NOTE: The following section contains general information in regard to bloodborne pathogens and infectious diseases as it relates to employee safety. For more information regarding bloodborne pathogens, see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. For more information regarding infectious diseases, see BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease.

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by

law; and cleaning and sanitization of district facilities and equipment.

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

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
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

	Description
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health

Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References

Description

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
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3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
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4219.41	Employees With Infectious Disease
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4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
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4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

Regulation 4357.1: Work-Related Injuries

Status: ADOPTED

Original Adopted Date: 10/01/1995 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

CSBA NOTE: Pursuant to Labor Code 3550, 3551, and 5401, all employee notices described above (i.e., the notice that must be posted in a conspicuous place, the notice provided to all employees at the time of hire, and the notice and claim form provided when an employee is injured) must be in a form prescribed by the California Department of Industrial Relations (DIR) Division of Workers' Compensation (DWC). These notices are available on the DWC's website or through the district's insurer. For districts that employ Spanish-speaking employees, the information must be made available in English and Spanish.

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

CSBA NOTE: Pursuant to Labor Code 6409.1, the district must file a report concerning any injury or illness which has, or is alleged to have, arisen out of and in the course of employment. The report is required to be filed with DIR, or, if the district is insured through a third party insurer, with the insurer. The following paragraph may be revised to reflect district practice.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

CSBA NOTE: Pursuant to Labor Code 6409.1, in addition to the report described above, a report of death or serious injury or illness is required to be immediately reported to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism established by Cal/OSHA. Labor Code 6409.1 permits districts to make the report by telephone or email until Cal/OSHA has an online mechanism available.

Labor Code 6302 redefines "serious injury or illness" as provided below.

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

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
8 CCR 15596	Notice of employee rights to workers' compensation benefits
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4032	Reasonable Accommodation

4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.2	Ergonomics
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.2	Ergonomics
4261.11	Industrial Accident/Illness Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.2	Ergonomics
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Policy 5126: Awards For Achievement

Status: ADOPTED

Original Adopted Date: 03/01/2009 | **Last Revised Date:** 03/01/2024 | **Last Reviewed Date:** 03/01/2024

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, artistic, extracurricular, athletic, and community service activities.

CSBA NOTE: Generally, state law requires that the educational program be made available to all students, regardless of their socioeconomic background. For example, Education Code 51455 and 51464, prohibit districts from charging students a fee or other cost in relation to any requirements in qualifying for or receiving the Golden State Seal Merit Diploma or the State Seal of Biliteracy. Additionally, Education Code 51007 requires that all students enrolled in the state's public elementary and secondary schools, regardless of their socioeconomic background, have equitable access to educational programs designed to strengthen technological skills. The following paragraph reflects the intent of these laws. For more information regarding the promotion of equity in district programs and activities, see BP 0415 - Equity.

No fee or other cost shall be charged to any student in relation to any requirements in qualifying for or receiving any district achievement awards.

District/School Awards

CSBA NOTE: Education Code 44015 authorizes the Governing Board to give district-level awards to students for "excellence" and mandates that the district adopt rules and regulations implementing any such awards program. See the accompanying administrative regulation for language implementing this mandate.

Pursuant to Education Code 44015, when such an awards program is established in a district, the Board is required to budget funds for this purpose, but may authorize awards from funds under its control regardless of whether budgeted funds have been provided or the budgeted funds are exhausted.

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or monetary gift. The Board shall establish a budget for this purpose. (Education Code 44015)

The Superintendent or designee shall develop criteria for the selection of student award recipients.

Golden State Seal Merit Diploma

CSBA NOTE: The following optional section is for use by districts that maintain high schools. Education Code 51450-51455 establish the Golden State Seal Merit Diploma which may be awarded by the Superintendent of Public Instruction (SPI) and the State Board of Education to students identified as demonstrating mastery of the high school core curriculum. See the accompanying administrative regulation for eligibility criteria.

At graduation from high school, students whose academic achievements in core curriculum areas have been outstanding shall receive special recognition.

The Superintendent or designee shall identify graduating high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

State Seal of Biliteracy

CSBA NOTE: The following optional section is for use by districts maintaining one or more high schools. Education Code 51460-51464 establish the State Seal of Biliteracy, a voluntary program which recognizes high school graduates who have attained a high level of proficiency in one or more languages in addition to English. The SPI has created an insignia to be affixed to the diploma or transcript of eligible students which can be obtained by completing a State Seal of Biliteracy insignia request form, available on the California Department of Education's (CDE) website. See the accompanying administrative regulation for eligibility criteria for the award.

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English, as specified in the accompanying administrative regulation. (Education Code 51460-51464).

District Awards for Biliteracy

CSBA NOTE: The following optional paragraph is for use by districts that choose to present awards for biliteracy at other grade levels, and should be revised to reflect district practice. Californians Together, a statewide coalition

working to enhance the success of English learners, recommends issuing local "pathway awards" recognizing benchmarks toward biliteracy at preschool, grade 3, end of elementary school, end of middle school, and when a student who is an English learner is reclassified as fluent English proficient.

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English. The Superintendent or designee may also present awards to English learners who are reclassified as fluent English proficient to recognize proficiency in both English and the student's native language.

State Seal of Civic Engagement

CSBA NOTE: The following optional section is for use by districts that recognize students who have demonstrated excellence in civics education and participation and an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. Education Code 51470-51475 establish the State Seal of Civic Engagement, a voluntary program which encourages and creates pathways for students in elementary and secondary schools to become civically engaged in democratic governmental institutions at the local, state, and national levels.

The SPI has created an insignia to be affixed to the diploma or transcript of eligible students which can be obtained by completing a State Seal of Civic Engagement insignia request form, available on CDE's website. See the accompanying administrative regulation for eligibility criteria for the award.

Education Code 51475 established the California Serves program which provides grants to eligible districts with the goal of expanding access for students to obtain a State Seal of Civic Engagement through service learning.

The Superintendent or designee shall present the State Seal of Civic Engagement to each 11th or 12th grade student who demonstrates excellence in civics education and participation and has demonstrated an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. (Education Code 51470-51475)

CSBA NOTE: The following paragraph reflects information on CDE's website emphasizing that the criteria are written to ensure that no student is excluded from the opportunity to earn the State Seal of Civic Engagement based on academic ability, alternative school settings, or unique or unconventional expressions of civic engagement.

All district students shall be afforded the opportunity to earn the State Seal of Civic Engagement, regardless of their background, communities, or experiences. No student shall be denied such opportunity based on academic ability, alternative school setting, or unique or unconventional expression of civic engagement.

Scholarship and Loan Fund

CSBA NOTE: The following section is for use by districts that choose to establish and maintain a scholarship and loan fund pursuant to Education Code 35310-35319. If the district chooses to establish such a fund, it should revise the following paragraph to reflect only those purposes for which it wishes to make funds available.

The Board shall establish and maintain a scholarship and loan fund which shall be used to provide interest-free loans for educational advancement, scholarship, and/or grants-in-aid to bona fide organizations, students, or graduates of district schools. (Education Code 35310, 35315)

CSBA NOTE: If the district establishes a committee to administer the scholarship and loan fund, or if the number of Board members who serve on the committee constitutes a majority of the Board, the committee is required to comply with open meeting laws pursuant to Government Code 54950-54963 (the Brown Act). See AR 1220 - Citizen Advisory Committees and BB 9130 - Board Committees.

The district's scholarship and loan fund shall be administered by a district committee composed of Board members, the Superintendent, and such other community, staff, administrative, and/or student representatives as determined by the Board. (Education Code 35310)

CSBA NOTE: If the district chooses to establish and maintain a scholarship and loan fund, it is mandated pursuant to Education Code 35310 to develop rules and regulations specifying the term of office and method of selection of the community, faculty, administrative, and student representative members of the committee appointed to administer the fund. The following paragraph may be revised to reflect district practice.

The Board shall select its own representatives to the committee. Staff, community, and/or student representatives shall be selected by the Superintendent. Members of this committee shall serve two-year terms.

The committee may accept gifts, donations, and bequests made for the purposes of the fund and may prescribe conditions or restrictions on these gifts and bequests. If the donor imposes any conditions, the committee shall review the conditions and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund's intents and purposes as specified in Board Policy 3290 - Gifts, Grants and Requests. (Education Code 35313)

The Superintendent or designee shall report to the Board at least annually regarding the status and activity of the fund. (Education Code 35319)

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 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 1632	Alternative credits toward graduation for foreign language instruction in private school
5 CCR 876	Golden State Seal Merit Diploma
Ed. Code 220	Prohibition of discrimination
Ed. Code 35160	Authority of governing boards
Ed. Code 35310-35319	Scholarship and loan funds
Ed. Code 44015	Awards to employees and students
Ed. Code 51007	Equitable access to programs designed to strengthen technological skills
Ed. Code 51243-51245	Credit for private school foreign language instruction
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51460-51464	State Seal of Biliteracy
Ed. Code 51470-51475	State Seal of Civic Engagement
Ed. Code 52164.1	Assessment of English language skills of English learners
Gov. Code 54950-54963	The Ralph M. Brown Act

Management Resources References

	Description
California Department of Education Publication	State Seal of Biliteracy FAQs
California Department of Education Publication	SSCE Implementation Guidance
Website	CSBA District and County Office of Education Legal Services
Website	Californians Together
Website	CSBA
Website	California Department of Education

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
1150	Commendations And Awards
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1260	Educational Foundation
3290	Gifts, Grants And Bequests

3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
4156.2	Awards And Recognition
4256.2	Awards And Recognition
4356.2	Awards And Recognition
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5127	Graduation Ceremonies And Activities
5137	Positive School Climate
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study
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6146.1	High School Graduation Requirements
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6158	Independent Study
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6159	Individualized Education Program
6159	Individualized Education Program
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6174	Education For English Learners
6174	Education For English Learners
6181	Alternative Schools/Programs Of Choice

6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
9140	Board Representatives

Regulation 5126: Awards For Achievement

Status: ADOPTED

Original Adopted Date: 03/01/2009 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Education Code 44015 authorizes the Governing Board to give district-level awards to students for "excellence." Before any awards are given under the authority of this law, the district is mandated to adopt rules and regulations implementing the awards program. The Board may delegate the authority to establish criteria for these awards to the Superintendent or designee, as well as a monetary award, except that pursuant to Education Code 44015 each monetary award of more than \$200 must be approved by the Board; see the accompanying Board policy. The following section should be revised to reflect any such rules and regulations adopted by the district.

The Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, staff members, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Governing Board. (Education Code 44015)

Golden State Seal Merit Diploma

CSBA NOTE: The following optional section is for use by districts that maintain high schools. Education Code 51450-51455 require the State Board of Education (SBE) to determine the means and the performance standards or achievement levels that demonstrate mastery of the curriculum for the purpose of awarding the Golden State Seal Merit Diploma. Eligibility criteria are published on the California Department of Education (CDE) website and described below.

To be eligible to receive the Golden State Seal Merit Diploma upon graduation from high school, a student shall complete all requirements for a high school diploma and shall demonstrate mastery of the curriculum in mathematics, English language arts, science, U.S. history, and two other subject matter areas selected by the student by meeting at least one of the following criteria for each subject: (Education Code 51451, 51452; 5 CCR 876)

1. Mathematics and English language arts
 - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
 - b. An achievement level of "Standard Met" or above for the high school Smarter Balanced Summative Assessment
2. Science
 - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
 - b. An achievement level of "Standard Met" or above for the high school California Science Test taken in grade 10 or 11
3. U.S. history
 - a. A grade of at least B or the numerical equivalent in the required U.S. history course each semester
 - b. A qualifying score that demonstrates mastery of the subject as determined by the district for an exam produced by a private provider or the district
4. Two additional subject areas of the student's choosing
 - a. Any additional qualifying grade or score listed above, earned for the subject of English language arts, mathematics, science, or U.S. history not already used to meet eligibility
 - b. A grade of at least B or the numerical equivalent upon completion of high school courses in other subjects
 - c. A qualifying score that demonstrates mastery of other subjects, as determined by the district, for an

exam produced by a private provider or the district

The Superintendent or designee shall maintain appropriate records to identify students who have earned the Golden State Seal Merit Diploma and shall affix an insignia to the high school diploma and transcript of each such student. (Education Code 51454)

CSBA NOTE: CDE requires each district to annually submit one districtwide insignia request on a form provided by CDE. CDE's website encourages districts to submit the request far enough in advance of the graduation ceremony date to allow sufficient time for processing by CDE and for district staff to place the insignias on the diplomas. CDE begins mailing requested insignias the first week of April.

The Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow for processing of the request prior to the high school graduation ceremony.

State Seal of Biliteracy

CSBA NOTE: The following optional section is for use by districts that maintain high schools and choose to recognize graduating students' bilingual/multilingual proficiency with the State Seal of Biliteracy pursuant to Education Code 51460-51464; see the accompanying Board policy. The criteria for a student to be eligible for the State Seal of Biliteracy are specified in Education Code 51451, as amended by AB 370 (Ch. 326, Statutes of 2023), and are reflected below. Districts that choose to present biliteracy awards to students at other grade levels may revise the following section to add eligibility criteria for those awards.

For further information, see CDE's State Seal of Biliteracy FAQs located on its website.

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall demonstrate a high level of proficiency in English and at least one other language, which may include American Sign Language. (Education Code 51461)

Proficiency in English shall be demonstrated by meeting one of the following state-established criteria: (Education Code 51461)

1. Completion of all English language arts requirements for graduation with an overall grade point average of at least 3.0 in those classes or completion of one or more English language arts courses at a public higher education institution or an independent institution of higher education, as described in Education Code 66010, with a grade equivalent to a grade point average of 3.0 or above
2. Passage of the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the "Standard Met" achievement level
3. Passage of an English Advanced Placement (AP) exam with a score of 3 or higher or an English International Baccalaureate (IB) exam with a score of 4 or higher
4. Achievement of a score of 480 or higher on the Evidence-Based Reading and Writing section of the Scholastic Aptitude Test (SAT)

Proficiency in one or more languages other than English shall be demonstrated through one of the following requirements: (Education Code 51461)

1. Passage of a world language AP exam with a score of 3 or higher, a world language IB exam with a score of 4 or higher, or a world language American Council on the Teaching of Foreign Languages (ACTFL) Writing Proficiency Test (WPT) and an Oral Proficiency Interview (OPI) with scores of Intermediate Mid or higher
2. Successful completion of a four-year course of study of content in a world language at a high school or higher level, attaining an overall grade point average of at least 3.0 in that course of study, and oral proficiency in the language comparable to that required in Item #1 above, successful completion of high school level courses completed in another country in a language other than English with the equivalent of an overall grade point average of 3.0 or above, as verified through a transcript, or completion of one or more world language courses at a public higher education institution or an independent institution of higher education as described in Education Code 66010, with a grade equivalent to a grade point average of at least 3.0 and oral proficiency in the language comparable to that specified in Item #1 above, as verified through a transcript
3. If no AP exam or off-the-shelf language test exists, passage of a district language exam that can be certified to

meet the rigor of a four-year high school course of study in a given language, and that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher

4. If a language is not characterized by listening, speaking, or reading, or for which there is no written system, passage of an assessment on the modalities that characterize communication in that language at the proficient level or higher

CSBA NOTE: Pursuant to Education Code 51461, as amended by AB 370, in order to be eligible for the State Seal of Biliteracy English learners are required to receive an Oral Language composite score of level 4 on the English Language Proficiency Assessments for California (ELPAC), rather than in all four domains of the test - reading, writing, listening, and speaking.

To be eligible to receive the State Seal of Biliteracy, a student who is an English learner shall, in addition to demonstrating proficiency in English and one or more languages other than English through one of the accomplishments specified above, attain an Oral Language composite score of level 4 on the English Language Proficiency Assessments for California, or any successor English oral language proficiency assessment. (Education Code 51461)

CSBA NOTE: CDE requires each district to submit one districtwide insignia request on a form provided by CDE. CDE recommends submitting the online form, which can be found on CDE's website, four weeks prior to the graduation date to allow sufficient time for CDE to mail the insignias and for the district to affix the insignias to the diplomas. CDE will mail the insignias within two weeks of receiving the online request.

The Superintendent or designee shall maintain appropriate records to identify high school students who have earned the State Seal of Biliteracy and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51463)

State Seal of Civic Engagement

CSBA NOTE: The following optional section is for use by districts that choose to present the State Seal of Civic Engagement to students who have demonstrated excellence in civics education and participation and an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government pursuant to Education Code 51470-51474; see the accompanying Board policy. The following criteria, adopted by SBE in September 2020, are intended to provide districts with a framework for making determinations of student qualifications based on local contexts.

CDE's, "SSCE Implementation Guidance," available on its website, offers ideas and considerations for districts in the implementation of the criteria.

To be eligible to receive the State Seal of Civic Engagement, a student shall meet district requirements for all of the following state-established criteria:

1. Be engaged in academic work in a productive way
2. Demonstrate a competent understanding of U.S. and California Constitutions, functions and governance of local governments, tribal government structures and organizations, the role of the citizen in a constitutional democracy, and democratic principles, concepts, and processes
3. Participate in one or more informed civic engagement project(s) that address real-world problems and require students to identify and inquire into civic needs or problems, consider varied responses, take action, and reflect on efforts
4. Demonstrate civic knowledge, skills, and dispositions through self-reflection
5. Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society

CSBA NOTE: CDE provides the insignias to be affixed to students' diplomas or transcripts indicating the award of the State Seal of Civic Engagement. When ordering the insignias, districts will self-certify that students earned the award based on locally created criteria.

The Superintendent or designee shall maintain appropriate records to identify students who have earned the State Seal of Civic Engagement and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51473)

Scholarship and Loan Fund

CSBA NOTE: The following section is for use by any district that has established a scholarship and loan fund pursuant to Education Code 35310-35319; see the accompanying Board policy. Districts that have not established such a program should delete this section.

The Superintendent shall serve as chief executive officer of the scholarship and loan fund and as chairperson of the district committee established to administer the fund. The committee shall meet at least once each fiscal year and at other such times as it may be called into session by the Superintendent. (Education Code 35311, 35312)

Scholarship and loan funds shall be deposited, administered, and audited in accordance with Education Code 35314 and 35318.

CSBA NOTE: If the district has chosen to maintain a scholarship and loan fund, it is mandated by Education Code 35316 to adopt regulations governing applications, provided such regulations do not limit student eligibility based on any conditions listed in Education Code 220; see BP 0410 - Nondiscrimination in District Activities and Programs. The following paragraph may be expanded to describe the district's application procedures.

The Superintendent or designee shall establish criteria, procedures, and deadlines for student applications for scholarships and/or loans from the fund. As applicable, the Superintendent or designee may require the student to submit letters of recommendation or other supplementary materials providing evidence of the student's accomplishments and/or need.

Notifications

CSBA NOTE: The following optional section may be revised to reflect programs offered by the district.

The Superintendent or designee shall annually distribute information about eligibility requirements for the Golden State Seal Merit Diploma, State Seal of Biliteracy, State Seal of Civic Engagement, and/or any district awards programs to students at the applicable grade levels.

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 11517.6-11519.5

Description

[English Language Proficiency Assessments for California](#)

5 CCR 1632

[Alternative credits toward graduation for foreign language instruction in private school](#)

5 CCR 876

[Golden State Seal Merit Diploma](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 35160

[Authority of governing boards](#)

Ed. Code 35310-35319

[Scholarship and loan funds](#)

Ed. Code 44015

[Awards to employees and students](#)

Ed. Code 51007

[Equitable access to programs designed to strengthen technological skills](#)

Ed. Code 51243-51245

[Credit for private school foreign language instruction](#)

Ed. Code 51450-51455

[Golden State Seal Merit Diploma](#)

Ed. Code 51460-51464

[State Seal of Biliteracy](#)

Ed. Code 51470-51475

[State Seal of Civic Engagement](#)

Ed. Code 52164.1

[Assessment of English language skills of English learners](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Management Resources References

Description

California Department of Education Publication

[State Seal of Biliteracy FAQs](#)

California Department of Education Publication

[SSCE Implementation Guidance](#)

Website	CSBA District and County Office of Education Legal Services
Website	Californians Together
Website	CSBA
Website	California Department of Education

Cross References

Description

0410	Nondiscrimination In District Programs And Activities
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6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
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6184	Continuation Education
9140	Board Representatives

Policy 5141.21: Administering Medication And Monitoring Health Conditions

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414, 49414.1, 49414.3, 49414.5, 49414.7, 49414.8, 49423, 49423.1 and 49468-49468.5 and the permissive guidelines in 5 CCR 600-611.

This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

CSBA NOTE: 5 CCR 604 authorizes a parent/guardian to administer medication to a child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423, and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

CSBA NOTE: The following paragraph is optional. The district is authorized, but not required, to make certain medications available on its school sites for providing emergency medical aid to students. For example, pursuant to Education Code 49414.3 and, as added by AB 1283 (Ch. 574, Statutes of 2023), Education Code 49414.7, the district is permitted to make emergency naloxone hydrochloride or other opioid antagonist and emergency stock albuterol inhalers available at its schools, for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from opioid overdose or respiratory distress. The following paragraph may be revised to specify medications that the district, in its discretion, has chosen to stock for use on its school sites. In choosing to make such medications available, the district should be aware of the possibility of increased liability and should consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

CSBA NOTE: Although federal law (21 USC 812, 844) prohibits the possession of cannabis, even by medical users, state law allows persons under the age of 18 to use and possess cannabis for medical use. Pursuant to Education Code 49414.1, the Governing Board is authorized to adopt a policy that allows parents/guardians to administer medicinal cannabis to their child at school. Education Code 49414.1 does not permit or require school personnel to administer medicinal cannabis.

Option 1 is for use by districts that choose to adopt a policy allowing parent/guardian administration of medicinal

cannabis at school. Because of the conflict between state and federal law, districts considering adoption of such policy should consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding possible ramifications. Education Code 49414.1 authorizes the Board to subsequently amend or rescind the policy for any reason, including, but not limited to, if the district is at risk of, or has lost, federal funding as a result of the policy.

Option 2 is for use by districts that choose to prohibit the administration of medicinal cannabis at school.

~~OPTION 1: The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. School personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)~~

~~CSBA NOTE: If the Board chooses Option 1, Education Code 49414.1 mandates that the policy include the following requirements:~~

~~Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)~~

END OF OPTION 1

OPTION 2: Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

END OF OPTION 2

CSBA NOTE: The following optional paragraph applies to all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak or public disaster. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and BP/AR 5141.22 - Infectious Diseases.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

CSBA NOTE: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, 49414.3, 49414.5, 49414.7, 49414.8, 49423, 49423.1, and 49468.2 specifically authorize the use of trained, unlicensed school employees to administer medications to students suffering from allergic reactions, opioid overdose, severe hypoglycemia, respiratory distress, asthma, or seizures. Moreover, in *American Nurses Association v. Torlakson*, the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students where a physician has determined that unlicensed school personnel may safely and appropriately administer the medication. The medication must be administered in accordance with a written health care provider statement and parental consent.

Education Code 49426.5, as added by AB 1722 (Ch. 853, Statutes of 2023), authorizes the district to hire a licensed vocational nurse following Board approval that a diligent search was conducted for a credentialed school nurse. Upon hiring a licensed vocational nurse, the district is required to certify to the California Department of Education that a search was properly conducted. A hired vocational nurse is required to be supervised by a credentialed school nurse employed as a school nurse at the district or at another local educational agency.

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer

medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

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 600-611	Administering medication to students
Bus. Code 2700-2837	Nursing
Bus. Code 3500-3546	Physician assistants
Bus. Code 4119.2	Acquisition of epinephrine auto-injectors
Bus. Code 4119.8	Acquisition of naloxone hydrochloride or another opioid antagonist
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49407	Liability for treatment
Ed. Code 49408	Student emergency information
Ed. Code 49414	Emergency epinephrine auto-injectors
Ed. Code 49414.3	Emergency medical assistance; administration of medication for opioid overdose
Ed. Code 49414.4	Opioid Misuse
Ed. Code 49414.5	Providing school personnel with voluntary emergency training
Ed. Code 49414.7	Emergency albuterol inhalers
Ed. Code 49414.8	Funding for emergency opioid antagonists; requirements
Ed. Code 49422-49427	Employment of medical personnel
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49423.1	Inhaled asthma medication
Ed. Code 49426.5	Licensed vocational nurses
Ed. Code 49468-49468.5	The Seizure Safe Schools Act
Ed. Code 49480	Continuing medication regimen; notice
H&S 1799.113	Opioid overdose treatment
H&S Code 11362.7-11362.85	Medicinal cannabis

Federal References

	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
21 USC 812	Schedule of controlled substances
21 USC 844	Penalties for possession of controlled substance

29 USC 794

[Rehabilitation Act of 1973; Section 504](#)

34 CFR 99.30

[Conditions under which prior written consent is required to disclose information](#)

Management Resources References

Description

American Diabetes Association Publication

[Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007](#)

American Diabetes Association Publication

[Program Advisory on Medication Administration, 2005](#)

American Diabetes Association Publication

[Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006](#)

Court Decision

[American Nurses Association v. Torlakson \(2013\) 57 Cal.4th 570](#)

National Diabetes Education Program Publication

[Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[National Diabetes Education Program](#)

Website

[U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute](#)

Website

[American Diabetes Association](#)

Website

[California Department of Education, Health Services and School Nursing](#)

Website

[CSBA](#)

Website

[California Department of Public Health](#)

Cross References

Description

3513.4

[Drug And Alcohol Free Schools](#)

3516

[Emergencies And Disaster Preparedness Plan](#)

3516

[Emergencies And Disaster Preparedness Plan](#)

4112.9

[Employee Notifications](#)

4112.9-E(1)

[Employee Notifications](#)

4119.43

[Universal Precautions](#)

4119.43

[Universal Precautions](#)

4131

[Staff Development](#)

4212.9

[Employee Notifications](#)

4212.9-E(1)

[Employee Notifications](#)

4219.43

[Universal Precautions](#)

4219.43

[Universal Precautions](#)

4231

[Staff Development](#)

4312.9

[Employee Notifications](#)

4312.9-E(1)

[Employee Notifications](#)

4319.43

[Universal Precautions](#)

4319.43

[Universal Precautions](#)

5022

[Student And Family Privacy Rights](#)

5022

[Student And Family Privacy Rights](#)

5113

[Absences And Excuses](#)

5113

[Absences And Excuses](#)

5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131.62	Tobacco
5131.62	Tobacco
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.6	School Health Services
5141.6	School Health Services
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.2	Animals At School
6163.2	Animals At School
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

Policy 5144: Discipline

Status: ADOPTED

Original Adopted Date: 04/01/2014 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following policy is optional. State law specifies behaviors for which a student may be suspended and/or recommended for expulsion; see BP/AR 5144.1 - Suspension and Expulsion/Due Process. State law also authorizes the use of age-appropriate alternatives to suspension, including those listed in Education Code 48900.5 and 48900.6.

Since a district's ability to meet its goals is impacted by its student discipline policies and practices, the Governing Board must be careful to enact rules that are effective in providing interventions and supports as well as maintaining safety and order on campus.

The U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter, "Nondiscriminatory Administration of School Discipline" (which has been under review by DOJ and OCR since July 30, 2021), states that studies have suggested a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior. OCR's publication, "Resource on Confronting Racial Discrimination in Student Discipline," provides additional resources and findings.

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and responding appropriately to student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for responding to student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

CSBA NOTE: Pursuant to Education Code 49056, as added by SB 291 (Ch. 863, Statutes of 2023), beginning with the 2024-2025 school year, a student may not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. Education Code 44807.5, which authorized the Board to permit the use of recess restriction for disciplinary purposes, was repealed by SB 291.

A student shall not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. If, due to such immediate threat, a student is denied recess, staff shall make all reasonable efforts to resolve the threat and minimize the student's exclusion from recess, to the greatest extent practicable. (Education Code 49056)

CSBA NOTE: Pursuant to Education Code 49005.2, use of seclusion and behavioral restraint as a means of discipline is prohibited. Education Code 49005.4 provides that seclusion or behavioral restraint may only be used to control 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. See AR 5131.41 - Use of Seclusion and Restraint.

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to Public Counsel's model policy issued as part of the Fix School Discipline Project, a discipline matrix that lists violations and consequences could be a useful guide to school site administrators with regard to when suspension or expulsion referrals should be utilized.

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

CSBA NOTE: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. Pursuant to Education Code 32282, any adopted site-level discipline rules must be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan. The following paragraph is optional.

The principal or designee at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and administrative regulations. The Board, at an open meeting, may review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 32282, 35291.5)

At all times, the safety of students and staff, providing interventions and supports to students, as well as the maintenance of an orderly school environment, shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate support and/or discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

CSBA NOTE: Pursuant to Education Code 52060, the district must annually adopt a local control and accountability plan that includes a description of district goals for improving school climate, as provided in the following paragraph.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

At the beginning of each school year, the Superintendent or designee may report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

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 307

Description

[Participation in school activities until departure of bus](#)

5 CCR 353

[Detention after school](#)

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35146

[Closed sessions](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 37223	Weekend classes
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 48980-48985	Parent/Guardian notifications
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49055	Restorative justice practices
Ed. Code 49056	Recess restriction
Ed. Code 49330-49335	Injurious objects
Ed. Code 49414.4	Opioid misuse; alternative to referral to law enforcement
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 52060-52077	Local control and accountability plan

Federal References

20 USC 1400-1482
 29 USC 794
 42 USC 1751-1769j
 42 USC 1773

Description

[Individuals with Disabilities Education Act
 Rehabilitation Act of 1973; Section 504](#)
[School Lunch Program](#)
[School Breakfast Program](#)

Management Resources References

California Dept of Education Program Advisories
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Fix School Discipline Project
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 Website
 Website
 Website
 Website
 Website

Description

[Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000](#)
[The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014](#)
[Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009](#)
[Sample alternative discipline policy](#)
[Resource on Confronting Racial Discrimination in Student Discipline](#)
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)
[Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014](#)
[CSBA District and County Office of Education Legal Services](#)
[Public Counsel](#)
[U.S. Department of Education, Office for Civil Rights](#)
[California Department of Education](#)
[CSBA](#)

Cross References

0450
 0450
 0460

Description

[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Local Control And Accountability Plan](#)

0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3512	Equipment
3512-E(1)	Equipment
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3543	Transportation Safety And Emergencies
4131	Staff Development
4158	Employee Security
4158	Employee Security
4258	Employee Security
4258	Employee Security
4358	Employee Security
4358	Employee Security
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.5	Open/Closed Campus
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records

5127	Graduation Ceremonies And Activities
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 5144: Discipline

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

Site-Level Rules

CSBA NOTE: The following section is optional. Pursuant to Education Code 35291.5, schools are authorized, but not required, to adopt site-level student discipline rules and procedures. Schools that choose to adopt student discipline rules, or that are directed by the Governing Board to do so, must solicit input from groups specified in Items #1-5 below. Such site-level rules must be consistent with law, Board policy, and district regulations. If the school develops student discipline rules, Education Code 32282 requires that they be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan.

In addition, pursuant to Education Code 52060, the district is required to adopt a local control and accountability plan (LCAP) that includes a description of the specific actions that it intends to take to achieve its annual goals in specified priority areas, including student engagement and school climate. In the development of the LCAP, the district is required to involve and/or consult with parents/guardians, employees, employee organizations, and students in accordance with law. See BP/AR 0460 - Local Control and Accountability Plan.

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

CSBA NOTE: Education Code 35291.5 references students in junior high and high school, which has been interpreted to mean students in grades 7-12. Item #5 below may be deleted by elementary districts.

5. Students in grades seven through twelve

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 35291.5 authorizes, but does not require, each school site to adopt school rules every four years. However, it is recommended that the timelines for the review of school rules be aligned with those for the review and updating of the comprehensive safety plan, since the school rules must, by law, be included in the plan. Pursuant to Education Code 32286, the comprehensive safety plan must be reviewed and updated every year by March 1; see BP/AR 0450 - Comprehensive Safety Plan.

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

Disciplinary Strategies

CSBA NOTE: Education Code 48900.5 lists means of correction of student behavior that a district may use as an alternative to suspension. The district should select those strategies that are appropriate for its student population. The following strategies may be modified or expanded to reflect district practice.

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, supervised suspension, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program (IEP) or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management

CSBA NOTE: Pursuant to Education Code 49414.4, as added by SB 10 (Ch. 856, Statutes of 2023), as part of a restorative justice framework, the district may use alternatives to a referral to a law enforcement agency in response to an incident involving a student's misuse of an opioid, to the extent the alternatives are not in conflict with any other law requiring that referral. Items #6-9 below reflect these alternative approaches.

6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably

CSBA NOTE: The Public Counsel's Fix School Discipline Project recognizes that exposure to chronic violence and other family or community traumas, such as serious accidents and life-threatening illnesses involving loved ones, and to conditions such as homelessness, may affect students' ability to learn and function well in school, and urges schools to adopt policies that recognize those factors and provide appropriate support to students.

9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
11. Detention after school hours as provided in the section below entitled "Detention After School"
12. Community service as provided in the section below entitled "Community Service"
13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
14. Reassignment to an alternative educational environment
15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

CSBA NOTE: Pursuant to Education Code 48900.5, when a student's misbehavior may result in a referral for suspension or expulsion after other means of correction have failed, the district may document and place in the student's record any other means of correction used to address the behavior. The following optional paragraph may be revised to reflect district practice.

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a

restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph.

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

CSBA NOTE: On July 19, 2022, The United States Department of Education's Office for Civil Rights and Office of Special Education and Rehabilitative Services issued new guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," to help schools support students with disabilities and avoid discriminatory discipline practices.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (U.S.C. 1412(a)(3))

Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

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

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

CSBA NOTE: The following optional paragraph is offered for districts that use Saturday classes for purposes of detention. Education Code 37223 authorizes the use of Saturday classes; however, except in the case of truants, attendance at such classes must be at the election of the student, or parent/guardian when the student is a minor.

Students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

CSBA NOTE: Education Code 48900.6 provides that the community service option is not available for those students who have been suspended, pending expulsion, for acts qualifying for either "mandatory recommendation for expulsion" or "mandatory expulsion" pursuant to Education Code 48915. See BP 5144.1 - Suspension and Expulsion/Due Process.

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to parents/guardians of transfer

students at the time of their enrollment in the district.

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 307	Participation in school activities until departure of bus
5 CCR 353	Detention after school
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35146	Closed sessions
Ed. Code 35291-35291.5	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 37223	Weekend classes
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 48980-48985	Parent/Guardian notifications
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49055	Restorative justice practices
Ed. Code 49056	Recess restriction
Ed. Code 49330-49335	Injurious objects
Ed. Code 49414.4	Opioid misuse; alternative to referral to law enforcement
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 52060-52077	Local control and accountability plan

Federal References

	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 1751-1769j	School Lunch Program
42 USC 1773	School Breakfast Program

Management Resources References

	Description
California Dept of Education Program Advisories	Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000
CSBA Publication	The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014
CSBA Publication	Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Fix School Discipline Project	Sample alternative discipline policy
U.S. DOE, Office for Civil Rights Publication	Resource on Confronting Racial Discrimination in Student Discipline
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973

U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	Public Counsel
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Education
Website	CSBA

Cross References

Description

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3512	Equipment
3512-E(1)	Equipment
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3543	Transportation Safety And Emergencies
4131	Staff Development
4158	Employee Security
4158	Employee Security
4258	Employee Security
4258	Employee Security
4358	Employee Security
4358	Employee Security
5000	Concepts And Roles

5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.5	Open/Closed Campus
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
5127	Graduation Ceremonies And Activities
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)

5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 6115: Ceremonies And Observances

Status: ADOPTED

Original Adopted Date: 10/01/1994 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural, historical, or present day significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, and as required by law, staff shall provide students with appropriate commemorative exercises and educational experiences so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

CSBA NOTE: Education Code 37220 lists holidays on which district schools must be closed. See the accompanying administrative regulation. Pursuant to Education Code 37220, the Governing Board may designate any other day as a holiday.

District schools shall be closed on the holidays specified in Education Code 37220 and on any other day designated as a holiday by the Board. The Board may, by adoption of a resolution, revise the date upon which schools close in observance of any holiday except Veterans Day, which shall be celebrated on its actual date. (Education Code 37220)

In addition, the Board may, through the adoption of a resolution, authorize the display of symbolic flags or banners in support of specific awareness months.

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

- Ed. Code 37220-37222.21
- Ed. Code 44015.1
- Ed. Code 45203
- Ed. Code 45460
- Ed. Code 49110.5
- Ed. Code 52720-52730
- Gov. Code 3540-3549.3
- Gov. Code 430-439

Description

- [Holidays and commemorative events](#)
- [Week of the School Administrator](#)
- [Paid holidays](#)
- [Classified School Employee Week](#)
- [Workplace Readiness Week](#)
- [Patriotic exercises and instruction](#)
- [Public education employer-employee relations](#)
- [Display of flags](#)

Federal References

- 36 USC 106
- 4 USC 6
- 4 USC 7

Description

- [Constitution Day and Citizenship Day](#)
- [Time and occasion for display of flag](#)
- [Position and manner of display of flag](#)

Management Resources References

- Court Decision
- Court Decision
- Website
- Website
- Website

Description

- [Newdow v. Rio Linda Union School District \(9th Cir. 2010\) 597 F.3d 1007](#)
- [West Virginia State Board of Education et al. v. Barnette et al. \(1943\) 319 U.S. 624](#)
- [CSBA District and County Office of Education Legal Services](#)
- [California Department of Education, History/Social Science Instructional Materials](#)
- [CSBA](#)

Cross References

- 1330

Description

- [Use Of School Facilities](#)

1330	Use Of School Facilities
4156.2	Awards And Recognition
4256.2	Awards And Recognition
4356.2	Awards And Recognition
5113.2	Work Permits
5113.2	Work Permits
6111	School Calendar
6117	Year-Round Schedules
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.8	Assemblies And Special Events
6175	Migrant Education Program
6175	Migrant Education Program
6178.1	Work-Based Learning
6178.1	Work-Based Learning

Regulation 6115: Ceremonies And Observances

Status: ADOPTED

Original Adopted Date: 11/01/1999 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

Holidays

CSBA NOTE: The following list may be expanded to reflect district practice. Education Code 37220 specifies holidays on which public schools must be closed and allows the Governing Board to designate any other day as a holiday. See the accompanying Board policy. Education Code 37220 incorporates June 19, "Juneteenth National Independence Day," to this list by way of presidential appointment. In addition, Education Code 37220 provides that the Board, by adoption of a resolution, may revise the date upon which district schools close in observance of any of these holidays except Veterans Day, which must be celebrated on its actual date.

Education Code 37220.5 and 37220.7 authorize the closing of school on March 31 in observance of Cesar Chavez Day, on April 24 in observance of Genocide Remembrance Day, and/or on the fourth Friday in September for Native American Day, provided that the Board agrees to do so in a memorandum of understanding reached with employee bargaining units pursuant to Government Code 3540-3549.3. If the district has such an agreement, the holiday(s) should be added to the following list.

District schools shall be closed on the following holidays: (Education Code 37220)

New Year's Day - January 1

Dr. Martin Luther King, Jr. Day - Third Monday in January or the Monday or Friday of the week in which January 15 occurs

Lincoln Day - The Monday or Friday of the week in which February 12 occurs

Washington Day - Third Monday in February

Memorial Day - Last Monday in May

Juneteenth National Independence Day - June 19

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

CSBA NOTE: Pursuant to Education Code 37220, districts are not required to close on Columbus Day, the second Monday in October. Boards may designate Columbus Day as a holiday on which schools shall close.

In addition, schools shall be closed on: (Education Code 37220)

1. Any day appointed by the Governor as a holiday or as a special or limited holiday on which the Governor provides that schools shall close
2. Any day appointed by the President as a holiday, including by executive order or by signing into law legislation that creates a nationwide federal holiday
3. Any other day designated as a holiday by the Governing Board and/or negotiated with employee organizations

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occur under federal law on a date different from that indicated above, the Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

Commemorative Exercises

CSBA NOTE: The following section lists special days that schools are required by state and/or federal law to observe with suitable commemorative exercises.

Pursuant to Education Code 49110.5, as added by AB 800 (Ch. 271, Statutes of 2023), districts are required to observe, during the week that includes April 28, "Workplace Readiness Week," by providing high school students with specified information on their rights as workers, and, for students in grades 11 and 12, for the observances to be integrated into the regular school program consistent with the history-social science framework.

In addition to commemorative exercises that are required by law, Education Code 37220.7 and 51009, as well as various legislative resolutions, have designated other days of special significance on which schools are encouraged, but not required, to conduct appropriate commemorative exercises, including, but not limited to: (1) School Board Recognition Month in January, (2) Ed Roberts Day on January 23, (3) Fred Korematsu Day of Civil Liberties and the Constitution on January 30, (4) Ronald Reagan Day on February 6, (5) Lunar New Year on the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice if an intercalary month intervenes, (6) Week of the School Administrator in the second full week of October, (7) California Agriculture Day on the first day of spring each year, (8) Welcome Home Vietnam Veterans Day on March 29 or 30, (9) Cesar Chavez on March 31, (10) California Poppy Day on April 6, (11) Dolores Huerta Day on April 10, (12) John Muir Day on April 21, (13) Genocide Remembrance Day on April 24, (14) Labor History Month in May, (15) the Day of the Teacher on the second Wednesday in May, (16) Harvey Milk Day on May 22, (17) September 11th Remembrance Day on September 11, (18) Native American Day on the fourth Friday in September, (19) Larry Itliong Day on October 25, and (20) Bill of Rights Day on December 15. The California Department of Education's website includes a calendar of events listing other days for which special recognition is encouraged. The list below may be modified to include any optional days of special significance so designated by the Board.

District schools shall hold exercises in accordance with law to commemorate the following special days: (Education Code 37220, 37221, 45460, 49110.5)

Dr. Martin Luther King, Jr. Day - The Friday before the day schools are closed for this holiday

Abraham Lincoln's Birthday - The school day before the day schools are closed for this holiday

Susan B. Anthony Day - February 15

George Washington's Birthday - The Friday preceding the third Monday in February

Black American Day - March 5

Conservation, Bird, and Arbor Day - March 7

Workplace Readiness Week - The week that includes April 28

Classified Employee Week - Third week in May

U.S. Constitution and Citizenship Day - On or near September 17

Commemorative exercises shall be integrated into the regular educational program as required by law.

Patriotic Exercises

CSBA NOTE: Education Code 52720 requires all schools to conduct patriotic exercises daily. Pursuant to Education Code 52720 and 52730, this requirement may be satisfied by reciting the Pledge of Allegiance and/or through the instruction described below.

Each school shall conduct patriotic exercises daily, which may include the Pledge of Allegiance to the Flag of the United States and/or instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

CSBA NOTE: The following paragraph is for use by districts maintaining elementary schools.

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

CSBA NOTE: The following paragraph is for use by districts maintaining secondary schools. Education Code 52720 mandates that the Board adopt regulations pertaining to the conduct of patriotic exercises in secondary schools. The following paragraph should be revised to reflect district practice.

At secondary schools, such exercises shall be conducted during the homeroom period.

CSBA NOTE: In *Newdow v. Rio Linda Union School District*, the Ninth Circuit Court of Appeals upheld a school policy permitting teacher-led recitation of the Pledge of Allegiance pursuant to Education Code 52720 where students were permitted by policy to decline participation for personal reasons. In *West Virginia State Board of Education et al. v. Barnette et al.*, the court held that individuals may not be compelled to salute the flag or to stand during the salute.

A student may choose not to participate in the flag salute or Pledge of Allegiance for personal reasons.

Display of Flag

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the district office. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government, a member of the Armed Forces from the state who has died while serving on active duty, or the death of a first responder working in the state who dies while serving in the line of duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

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

Ed. Code 37220-37222.21

Ed. Code 44015.1

Ed. Code 45203

Ed. Code 45460

Ed. Code 49110.5

Ed. Code 52720-52730

Gov. Code 3540-3549.3

Gov. Code 430-439

Description

[Holidays and commemorative events](#)

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[Classified School Employee Week](#)

[Workplace Readiness Week](#)

[Patriotic exercises and instruction](#)

[Public education employer-employee relations](#)

[Display of flags](#)

Federal References

36 USC 106

4 USC 6

4 USC 7

Description[Constitution Day and Citizenship Day](#)[Time and occasion for display of flag](#)[Position and manner of display of flag](#)**Management Resources References**

Court Decision

Description[Newdow v. Rio Linda Union School District \(9th Cir. 2010\) 597 F.3d 1007](#)

Court Decision

[West Virginia State Board of Education et al. v. Barnette et al. \(1943\) 319 U.S. 624](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Department of Education, History/Social Science Instructional Materials](#)

Website

[CSBA](#)**Cross References**

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5113.2

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6142.3

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[Service Learning/Community Service Classes](#)

6142.94

[History-Social Science Instruction](#)

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[Courses Of Study](#)

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[Controversial Issues](#)

6145.8

[Assemblies And Special Events](#)

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[Migrant Education Program](#)

6175

[Migrant Education Program](#)

6178.1

[Work-Based Learning](#)

6178.1

[Work-Based Learning](#)

Policy 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: In May 2023, the U.S. Department of Education issued guidance on constitutionally protected prayer and religious expression in public schools, which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance reaffirms that, pursuant to 20 USC 7904, districts must annually certify to the California Department of Education (CDE) that they do not have a policy that prevents, or otherwise denies participation in, constitutionally protected school prayer. While the guidance provides general direction to districts regarding issues surrounding religion in public schools, it may not reflect 9th Circuit Court of Appeals (of which California is a part) and state court decisions which are based on the California Constitution.

Additionally, Appendix F of CDE's History and Social Science Framework, adopted in July 2016, offers guidance and support for educators regarding the recognition of religious beliefs and customs with concepts from the Appendix reflected below.

Use of school facilities by student religious clubs and other religious groups is governed by the Equal Access Act (20 USC 4071-4074) and Civic Center Act (Education Code 38130-38138), respectively; see BP/AR 1330 - Use of School Facilities and BP/AR 6145.5 - Student Organizations and Equal Access. For policy regarding distribution of flyers, including flyers containing religious materials, see BP/AR 1325 - Advertising and Promotion. For policy regarding absences for religious instruction or exercises pursuant to Education Code 46014, see BP/AR 5113 - Absences and Excuses. For policy regarding invocation at graduation ceremonies, see BP 5127 - Graduation Ceremonies and Activities. For policy regarding religious attire in relation to school dress codes, see BP 5132 - Dress and Grooming.

The following optional policy should be carefully reviewed and modified to reflect district practice. Because constitutionally protected prayer and religious expression in schools can involve complex legal issues, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world and be consistent with the adopted instructional materials and state standards, as applicable.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in public schools. The Superintendent or designee shall ensure that instruction about religion does not promote or denigrate the beliefs or customs of any particular religion or sect, nor that a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious conviction, including nonbelief, with fairness and respect.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time.

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court found that the employee, a football coach, did not coerce students to pray when the employee knelt at midfield after games to offer a quiet personal prayer and rejected the district's argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district when the prayer was offered during a time when school employees were free to attend to personal matters.

Staff shall not coerce students in prayer or other religious activities as part of their official duties. However, Staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing the student's religious belief so long as this does not disrupt the classroom or other school sponsored activity.

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression

is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the district. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated religious devotional acts.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of cultural and religious heritage.

CSBA NOTE: In *Fellowship of Christian Athletes v. San Jose Unified School District*, the Ninth Circuit U.S. Court of Appeals held that it would be discrimination for a district to fail to recognize a student club with religiously based leadership requirements. The court found that multiple student clubs imposed certain requirements for membership or leadership positions - i.e., discriminated against certain students - but that the district only objected to the Fellowship of Christian Athletes' requirements because of the religious basis of the requirements.

District schools shall not prohibit religious activities if the same or similar non-religious activities are permitted.

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

Ed. Code 38130-38139
Ed. Code 46014
Ed. Code 51511
Ed. Code 51938

Description

[Civic Center Act](#)
[Absences for religious purposes](#)
[Religious matters properly included in courses of study](#)
[Right of parent/guardian to excuse from sexual health instruction](#)

Federal References

20 USC 4071-4074
20 USC 6061
20 USC 7904

Description

[Equal Access Act](#)
[School prayer](#)
[School prayer](#)

Management Resources References

California Department of Education Publication
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
U.S. Department of Education Publication
Website
Website

Description

[Appendix F history social science framework for California public schools](#)
[Florey v. Sioux Falls \(1980\) 619 F.2d 1311](#)
[Fellowship of Christian Athletes v. San Jose Unified School District Board of Education \(2023\) 82 F.4th 664](#)
[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)
[Cole v. Oroville Union High School District \(2000, 9th Cir.\) 228 F.3d 1092](#)
[Lassonde v. Pleasanton Unified School District \(2003, 9th Cir.\) 320 F.3d 979](#)
[Lemon v. Kurtzman \(1971\) 403 U.S. 602](#)
[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education](#)

Website [CSBA](#)
Website [U.S. Department of Education](#)

Cross References

Description

0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
5113	Absences And Excuses
5113	Absences And Excuses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5127	Graduation Ceremonies And Activities
5132	Dress And Grooming
5132	Dress And Grooming
5141.31	Immunizations
5141.31	Immunizations
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6154	Homework/Makeup Work
6161.11	Supplementary Instructional Materials
6176	Weekend/Saturday Classes

Regulation 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: 05/01/1985 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following administrative regulation is optional and should be modified to reflect district practice. Appendix F of the California Department of Education's History and Social Science Framework, adopted in July 2016, offers guidance and support for educators regarding the recognition of religious beliefs and customs; concepts from the Appendix are reflected below.

The Superintendent or designee shall ensure the following for the recognition of religious beliefs and customs in district schools:

1. The approach to religion is academic and not devotional
2. The goal is for student awareness of religion in historical and contemporary societies
3. The students may not be pressed to accept any one religion
4. The school may include the study of religion as part of the history-social science curriculum, but the practice of religions may not be sponsored
5. The students may be exposed to and educated about a diversity of religious views and beliefs, but a particular view or belief may not be imposed, nor may any one religion be promoted or denigrated

Staff shall make every effort to schedule one-time events, such as examinations, school-sponsored trips, special laboratories, picture-taking days, and class parties, to minimize conflicts with major religious holidays of all faiths such that no one faith is disproportionately impacted.

Programs and Exhibits

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Board policy.
2. The principal or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.

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

Ed. Code 38130-38139
Ed. Code 46014
Ed. Code 51511
Ed. Code 51938

Description

[Civic Center Act](#)
[Absences for religious purposes](#)
[Religious matters properly included in courses of study](#)
[Right of parent/guardian to excuse from sexual health instruction](#)

Federal References

20 USC 4071-4074
20 USC 6061
20 USC 7904

Description

[Equal Access Act](#)
[School prayer](#)
[School prayer](#)

Management Resources References

California Department of Education Publication

Description

[Appendix F history social science framework for California public schools](#)

Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092
Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
5113	Absences And Excuses
5113	Absences And Excuses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5127	Graduation Ceremonies And Activities
5132	Dress And Grooming
5132	Dress And Grooming
5141.31	Immunizations
5141.31	Immunizations
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access

6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6154	Homework/Makeup Work
6161.11	Supplementary Instructional Materials
6176	Weekend/Saturday Classes

Policy 6175: Migrant Education Program

Status: ADOPTED

Original Adopted Date: 07/01/2003 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional policy is for use by districts that have established migrant education programs pursuant to federal Title I, Part C (20 USC 6391-6399) and Education Code 54440-54445. In California, most districts that provide migrant education services operate pursuant to service agreements with regional service centers pursuant to Education Code 54444.1. The district submits a service application to the regional center, which then submits a regional application to the California Department of Education (CDE). The following policy and accompanying administrative regulation should be revised as necessary to reflect the district's agreement with its regional service center.

During the Federal Program Monitoring (FPM) process, CDE will review whether the district is fulfilling the major legal requirements for implementation of the program. Education Code 51225.2 describes this group of highly mobile students as "a pupil who is a migratory child" and CDE's Uniform Complaint Procedures 2023-24 FPM instrument describes this group as "pupils who are migratory", which is reflected in the use of this description throughout the policy. The following policy may be revised to reflect terminology preferred by the district and local community.

Pursuant to Education Code 41601.6, up to two local educational agencies may request authorization from CDE to provide an extended school year program to specified students who are migratory, which includes average daily attendance funding for such students; see the accompanying administrative regulation.

The Governing Board desires to provide a comprehensive program for students who are migratory that attempts to mitigate the impact of educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that may inhibit their ability to succeed in school. The district shall make use of available funds to provide supplementary services for students who are migratory.

The Superintendent or designee shall cooperate with the regional migrant service center in outreach and identification of eligible students who are migratory and in the provision of migrant education services. The Superintendent or designee shall also coordinate migrant education services with other programs within the district and with other public agencies that serve migrant workers and their families.

CSBA NOTE: 20 USC 6394 establishes priority for services for students who are migratory who are failing or at risk of failing to meet state standards or have dropped out of school. According to CDE's 2017, "State Service Delivery Plan," for purposes of establishing priority for services, students are considered to be failing or at risk of failing to achieve state standards if they (1) score at Level 1-2 (standard not met or standard nearly met) on the English language or mathematics summative assessments of the California Assessment of Student Performance and Progress, or (2) score at Levels 1-3 (beginning to moderately developed English skills) on the English Language Proficiency Assessments for California.

The district shall give first priority for services to students who are migratory who are failing, or are most at risk of failing, to meet state academic standards or have dropped out of school. (20 USC 6394)

CSBA NOTE: 20 USC 7881 requires that eligible private school students residing within the district be provided an opportunity to receive services on an equitable basis with public school students, as provided below. See AR 6171 - Title I Programs for further information about requirements pertaining to such participation.

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public school students. (20 USC 7881; 34 CFR 200.87)

CSBA NOTE: Education Code 54443.1 requires that local migrant education programs conduct an individual assessment of the educational and health needs of each student who is migratory and prepare a brief individual learning plan listing the services to be provided to each student; see the accompanying administrative regulation. These duties may be performed by either the district or the regional service center depending on their agreement.

The Superintendent or designee shall ensure that each student who is migratory is placed at the appropriate grade level upon enrollment and is provided services in accordance with an individual needs assessment and learning plan.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice, including specific indicators that the Governing Board and Superintendent or designee agree to use in evaluating program effectiveness.

The Superintendent or designee shall annually report to the Board regarding student performance on statewide assessments of core academic subjects and English language development, as appropriate, for students enrolled in

the district's migrant education program. In addition, the Superintendent or designee shall periodically report to the Board regarding the alignment of district services with the needs of students as identified in student needs assessments conducted pursuant to Education Code 54443.1. As necessary, the Board shall seek technical assistance from the migrant education regional service center and/or make changes in the services provided by the district in order to improve student achievement.

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 3080	Applicability of uniform complaint procedures to complaints regarding students with disabilities
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 37220	School calendar
Ed. Code 41601.6	Extended school year program for migratory students
Ed. Code 48204.7	Enrollment
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Transfer of coursework and credit
Ed. Code 51225.3	High school graduation requirements
Ed. Code 54440-54445	Migrant children

Federal References

	Description
20 USC 6311	State plan
20 USC 6391-6399	Education of migratory children
20 USC 7881	Participation of private school students
34 CFR 200.81-200.89	Migrant education program

Management Resources References

	Description
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Department of Education Publication	2017 State Service Delivery Plan
U.S. Department of Education Publication	Education of Migratory Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965, Non-Regulatory Guidance, rev. March 2017
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Migrant Education Office
Website	U.S. Department of Education, Office of Migrant Education
Website	West Ed, Migrant Student Information Network
Website	CSBA

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0500	Accountability

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4231	Staff Development
4331	Staff Development
5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5132	Dress And Grooming
5132	Dress And Grooming
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles

6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6146.1	High School Graduation Requirements
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education

Regulation 6175: Migrant Education Program

Status: ADOPTED

Original Adopted Date: 07/01/2003 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following optional administrative regulation reflects requirements of the migrant education program established pursuant to federal Title I, Part C (20 USC 6391-6399) and Education Code 54440-54445 and should be revised to reflect the district's agreement with the regional service center.

Education Code 51225.2 describes this group of highly mobile students as "a pupil who is a migratory child" and the California Department of Education's (CDE) Uniform Complaint Procedures 2023-24 Federal Program Monitoring (FPM) instrument describes this group as "students who are migratory," which is reflected in the use of this description throughout the administrative regulation. The following administrative regulation may be revised to reflect terminology preferred by the district and local community.

Eligibility

CSBA NOTE: Student eligibility for migrant education services is based on criteria delineated in 20 USC 6399 and 34 CFR 200.81. Eligibility is established through an interview conducted by a migrant education recruiter, who is employed by either the regional service center or district and has received specialized training and authorization to identify and recruit families for the migrant education program. Recruitment and identification procedures are detailed in CDE's 2017, "State Service Delivery Plan."

Pursuant to 34 CFR 200.89, regional service centers are required to annually validate eligibility through the re-interview of parents/guardians of a randomly selected sample of students previously identified as migratory.

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered students who are migratory if the student, the student's parents/guardians, or the student's spouse actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

CSBA NOTE: The last sentence of the following paragraph should be deleted by districts that do not offer classes at the secondary level.

A student who ceases to be a student who is migratory during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

Enrollment

A student who is migratory shall be immediately enrolled in the district even if the student: (Education Code 48204.7)

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, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

If a student who is migratory experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a student who is migratory. (Education Code 48204.7)

If a student's status as a student who is migratory changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A student who is migratory and is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A student who is migratory and is transitioning to

a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a student who is migratory and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a student who is migratory to attend the school of origin, unless otherwise required by federal law, or provide programs for online instruction as a substitute for physical attendance. (Education Code 48204.7)

Student Records

CSBA NOTE: Pursuant to 34 CFR 200.89, CDE and agencies operating migrant education programs must maintain a Certificate of Eligibility form and any additional documentation needed to confirm each student's eligibility.

Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, except as required by law or to administer a state or federally supported educational program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement. See BP/AR 5145.13 - Response to Immigration Enforcement.

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

CSBA NOTE: 20 USC 6398 requires districts receiving migrant education funds to make student records available at no cost to another district that requests the records, if the request is made to meet the needs of a student who is migratory. State law requiring the transfer of records for all students is reflected in BP/AR 5125 - Student Records. In California, the Migrant Student Information Network, developed and maintained by WestEd, assists CDE and each regional center with data collection and reporting regarding students who are migratory. See the section "Transfer of Coursework and Credits" below for the transfer of the transcript of a high school student who is migratory.

The Superintendent or designee shall acquire education and health records from the previous school districts of a student who is migratory, as appropriate.

When a student who is migratory transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

Program Components

CSBA NOTE: The following section may be revised to reflect the district's service agreement with the regional service center.

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served
2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:
 - a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction
 - b. Counseling and career education services
 - c. Preschool services in accordance with Education Code 54443
 - d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible students who are migratory

- e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
 - f. Other related services to meet the special needs of eligible students who are migratory to enable them to participate effectively in instructional services
 - g. The coordination and teaming of existing resources serving students who are migratory, such as bilingual-crosscultural education, health screening, and compensatory education
3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
 4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
 5. Staffing and staff development plans and practices to meet the needs of students and implement the program
 6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

CSBA NOTE: 20 USC 6394 requires "the same" parent involvement in migrant education programs as is required for Title I programs for disadvantaged students (see BP/AR 6020 - Parent Involvement), unless extraordinary circumstances make such provision impractical.

7. The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)
8. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Summer School and Extended School Year Program

CSBA NOTE: Pursuant to Education Code 54444.3, each district receiving federal migrant education funding is required to conduct summer school programs for eligible students who are migratory. Before establishing the program, the district must submit an application for approval to the Superintendent of Public Instruction. The following section may be revised to reflect the grade levels offered by the district.

The district shall conduct summer school program(s) for eligible students who are migratory. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of students who are migratory and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

CSBA NOTE: Pursuant to Education Code 54444.3, holidays on which schools are required to be closed, as specified in Education Code 37220, may be deducted from the required number of teaching days. For more

information regarding holidays on which schools are required to be closed, see AR 6115 - Ceremonies and Observances.

The number of instructional days may be less than as described above if, during the summer school program, there is a holiday for which schools are required to be closed. (Education Code 37220, 54444.3).

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs, unless just cause for denial exists. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

CSBA NOTE: Pursuant to Education Code 41601.6, to mitigate lost instructional time due to family movement related to migratory agricultural employment, up to two local educational agencies may request authorization from CDE to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, which includes the receipt of specified average daily attendance funding for such students.

If the district receives authorization and average daily attendance funding from the California Department of Education to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, the Superintendent or designee shall operate the program in accordance with Education Code 41601.6. (Education Code 41601.6)

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 a student enrolled in a migrant education program, as provided below.

Education Code 51225.2 requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

When a student enrolled in a migrant education program transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school along with all academic and other records within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student who is migratory has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school.

CSBA NOTE: Pursuant to Education Code 51225.2, districts are not authorized to require a student who is migratory who has completed an entire course to retake the course.

If the entire course was completed, the district shall not require the student who is migratory to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student who is migratory 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 student who is migratory to retake the portion of the course completed if, in consultation with the educational rights holder for the student who is migratory, the district finds that the student who is migratory is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student who is migratory in any particular course, the student who is migratory 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 students who are migratory 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, in its, "Partial Credit Model Policy and Practice Recommendations," available on its website, 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 student who is migratory 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.

To obtain a high school diploma, a student who is migratory shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the Board.

However, when a student who is migratory has completed the second year of high school and transfers into a district school, the student 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 student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student 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 termination of the court's jurisdiction over the student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

To determine whether a student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or, for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 requires the district to exempt a student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.

If a student who is migratory was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student who is migratory. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1 the district is required to reevaluate a student's eligibility for an exemption from district-established graduation requirements, as described below.

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school,

the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student who is migratory is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district is required to consult with a student who is migratory who is granted an exemption from district-established graduation requirements and the student's educational rights holder, as described below.

When a student who is migratory is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student who is migratory to transfer schools in order to qualify for an exemption and shall not grant any request made by a student who is migratory or the student's parent/guardian for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from requiring a student who is eligible for an exemption from district-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

The Superintendent or designee shall not require a student who is migratory who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the district from revoking a student's exemption from district-established graduation requirements.

If a student who is migratory is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student no longer meets the definition of a student who is migratory while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request that an eligible student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, if the district determines that a student who is eligible for the exemption from district-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the district is required to provide the following.

Upon making a finding that a student who is migratory is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

CSBA NOTE: Pursuant to Education Code 51225.1, until January 1, 2028, when a student who is migratory has completed the second year of high school transfers into the district or transfers between high schools within the district, and is not reasonably able to complete the district-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the district is required to exempt the student from the district-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the student's educational rights holder is required, as provided below.

When a student who is migratory has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of students who are migratory and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of students who are migratory. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities
2. Review annual needs assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

Notification and Complaints

CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of students who are migratory 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.

Information regarding the educational rights of students who are migratory, as specified in Education Code 51225.1 and 51225.2, 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 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of students who are migratory, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

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 3080	Applicability of uniform complaint procedures to complaints regarding students with disabilities
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 37220	School calendar
Ed. Code 41601.6	Extended school year program for migratory students
Ed. Code 48204.7	Enrollment
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Transfer of coursework and credit

Ed. Code 51225.3
Ed. Code 54440-54445

[High school graduation requirements](#)
[Migrant children](#)

Federal References

20 USC 6311
20 USC 6391-6399
20 USC 7881
34 CFR 200.81-200.89

Description
[State plan](#)
[Education of migratory children](#)
[Participation of private school students](#)
[Migrant education program](#)

Management Resources References

California Child Welfare Council Publication
California Department of Education Publication
U.S. Department of Education Publication

Website
Website
Website
Website
Website

Description
[Partial Credit Model Policy and Practice Recommendations, September 2013](#)
[2017 State Service Delivery Plan](#)
[Education of Migratory Children Under Title I, Part C of the Elementary and Secondary Education Act of 1965, Non-Regulatory Guidance, rev. March 2017](#)
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education, Migrant Education Office](#)
[U.S. Department of Education, Office of Migrant Education](#)
[West Ed, Migrant Student Information Network](#)
[CSBA](#)

Cross References

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[Free And Reduced Price Meals](#)
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[Temporary/Substitute Personnel](#)
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[Staff Development](#)
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5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5132	Dress And Grooming
5132	Dress And Grooming
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6146.1	High School Graduation Requirements
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
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6174	Education For English Learners
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6177	Summer Learning Programs
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6178	Career Technical Education

Bylaw 9320: Meetings And Notices

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with applicable open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide the opportunity for members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

CSBA NOTE: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.

This prohibition against serial meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the Governing Board "discussing among themselves" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public as long as a majority of the Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. Additionally, a Board member is prohibited from responding directly to any communication from other members of the Board on a social media platform regarding matters that are within the subject matter jurisdiction of the Board. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's website, and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member.

However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

CSBA NOTE: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations. Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

Government Code 54953 requires the Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to

resolve any doubt in favor of accessibility.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Regular Meetings

CSBA NOTE: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and location for its regular meetings by rule and regulation.

Unless otherwise determined by the Board, the Board shall hold one (1) regular meeting each month starting at 6:30 p.m. on the second Tuesday of the month for the regularly scheduled meeting. Closed session may be scheduled prior to the regular session, at a time to be determined. The meetings will be held in the Frances H. Taplin Board Room at the Eureka City Schools District Office (2100 J Street - Eureka, CA).

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. Government Code 54954.2 also requires that the agenda be posted on the district's website. Other posting requirements may apply where Board members are participating by teleconference as specified below.

The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's website. (Government Code 54954.2)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda must list the address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting. Pursuant to Government Code 54957.5, when agenda materials are distributed to all or a majority of the Board less than 72 hours before a regular meeting and outside of regular business hours, the materials may be posted on the district's website in satisfaction of the Brown Act if specified requirements are met. Districts with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BB 9322 - Agenda/Meeting Materials.

In addition, pursuant to the California Public Records Act (Government Code 7920.000 - 7930.215), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to inspection by any member of the public as specified in BP/AR 1340 - Access to District Records.

Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours.

Special Meetings

CSBA NOTE: Government Code 54956 permits the Board president or a majority of the Board to call a special meeting. When a majority of the Board has requested a special meeting on the same specific topic, the Superintendent or designee shall inform the Board and the meeting shall be organized and called. If an individual Board member desires a special meeting on a specific topic that has not been called by the Board president, the Board member should inform the Superintendent or designee rather than other Board members in order to comply with the Brown Act.

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in

BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's website, and, at least 24 hours before the time of the meeting, in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. (Government Code 54956.5)

The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An *emergency* means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the meeting was

held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board must still comply with the public notice requirements when holding a study session, retreat, public forum or other such meeting.

The Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships. Any such meeting, regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and shall comply with all other requirements for regular or special meetings. (Government Code 54956)

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility

7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

All meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication.

Traditional Teleconferencing

A Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency
3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference
4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the members is within the district boundaries.

Teleconferencing by Individual Board Member Due to Just Cause

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference for just cause, as described below. Districts should be aware that the choice to participate in a meeting by teleconference due to just cause is at the sole discretion of the Board member and can be exercised at any time. Therefore, it is recommended that districts consider including teleconference access, as described below, as part of every meeting. Districts are also encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with Government Code 54953.

Until January 1, 2026, when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to just cause to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

Teleconferencing by Individual Board Member Due to Emergency Circumstances

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference due to emergency circumstances, as

described below.

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to emergency circumstances to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings

or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

CSBA NOTE: Pursuant to Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), boards are authorized to conduct board meetings by teleconference as specified below when holding a board meeting during a proclaimed state of emergency.

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953)

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

Ed. Code 35140

Ed. Code 35143

Description

[Time and place of meetings](#)

[Annual organizational meetings; date and notice](#)

Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act

Federal References

28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

	Description
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication	The ABCs of Open Government Laws
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016
Website	CSBA District and County Office of Education Legal Services
Website	CSBA, GAMUT Meetings
Website	Institute for Local Government
Website	League of California Cities
Website	California Attorney General's Office
Website	CSBA

Cross References

Description

0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.43	Charter School Revocation
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330	Use Of School Facilities
1330	Use Of School Facilities
1340	Access To District Records
1340	Access To District Records
1431	Waivers
2000	Concepts And Roles
2111	Superintendent Governance Standards
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311	Bids
3311	Bids
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4117.14	Postretirement Employment
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4312.1	Contracts
4317.14	Postretirement Employment

6112	School Day
6112	School Day
6117	Year-Round Schedules
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
7310	Naming Of Facility
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9100	Organization
9121	President
9130	Board Committees
9140	Board Representatives
9220	Governing Board Elections
9230	Orientation
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings
9400	Board Self-Evaluation

Bylaw 9323.2: Actions By The Board

Status: ADOPTED

Original Adopted Date: 03/01/2011 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: Pursuant to Education Code 35164 and Government Code 54952.6, a simple majority vote of the membership of the Governing Board is necessary for an item to carry, even in those cases where some members are absent or seats are vacant. For instance, for districts with a five-member board, an item will pass with three votes, even if only three members are present or there is a vacancy. Education Code 35165 details the effect of a vacancy in districts with a seven-member board. For language regarding vote requirements when a board member abstains, see BB 9323 - Meeting Conduct. However, there are certain actions by the Board that require more than a simple majority vote, or that are required to occur, or may not occur, at a certain meeting or type of meeting; see E(1) 9323.2 for a non-exhaustive list of such actions.

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164, 35165)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Action on Non-Agenda Items

CSBA NOTE: The Brown Act (Government Code 54950-54963) generally prohibits any action or discussion of items not on the posted agenda. However, Government Code 54954.2 provides for four specific and narrow situations in which the Board can act on an item not on the agenda, as specified below. Board members may also briefly respond to questions raised by members of the public concerning items not on the agenda; see BB 9323 - Meeting Conduct.

The Board may take action on a subject not appearing on the posted meeting agenda only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

CSBA NOTE: Government Code 54954.2 provides that the Board may take action on a request by a Board member to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda. If the timing of the request did allow for sufficient time to place it on the agenda, it cannot be acted upon unless it was agendized. For more information regarding Board meetings by teleconference, see Board Bylaw 9320 - Meetings And Notices.

4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

Challenging Board Actions

CSBA NOTE: Government Code 54960-54960.5 grants authority to the district attorney or any interested person to file a civil action asking the court to order the Board to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board. Pursuant to Government Code 54960.5, a court may award court costs and reasonable attorney's fees to a successful plaintiff. Prior to filing a civil action, the district attorney or interested party must send a written demand to the Board to "cure and correct" the alleged violation or prior action. The Board should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the district. If the district receives a proper demand from the district attorney's office or any interested person to "cure and correct" an alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)

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

Code of Civil Procedure 1245.240	Eminent domain vote requirements
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue
Ed. Code 15266	School construction bonds
Ed. Code 17466	Declaration of intent to sell or lease real property
Ed. Code 17481	Lease of property with residence for nondistrict purposes
Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote
Ed. Code 17546	Private sale of personal property
Ed. Code 17556-17561	Dedication of real property
Ed. Code 35140-35149	Meetings
Ed. Code 35150	Prohibition to terminate superintendent or assistant superintendent at specified meetings or times
Ed. Code 35160-35178.4	Powers and duties
Ed. Code 48660-48661	Community day schools; establishment and restrictions
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 53724	Parcel tax resolution requirements
Gov. Code 53790-53792	Exceeding the budget
Gov. Code 53820-53833	Temporary borrowing
Gov. Code 53850-53858	Temporary borrowing
Gov. Code 54230.5	Disposal of surplus land and receipt of notice of violation
Gov. Code 54230.7	Disposal of surplus land and receipt of notice of violation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.6	Action taken; definition
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54960-54960.5	Actions to prevent violations
Gov. Code 65352.2	Communicating and coordinating of school sites
Pub. Cont. Code 20110-20118.44	School district contracts
Pub. Cont. Code 20113	Emergencies; award of contracts without bids
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account

Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency
Pub. Cont. Code 22050	Emergency contracting procedures
Pub. Cont. Code 3400	Bid specifications

Management Resources References

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	California Office of the Attorney General
Website	CSBA

Description

Cross References

3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311	Bids
3311	Bids
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3471	Parcel Taxes
6185	Community Day School
6185	Community Day School
7131	Relations With Local Agencies
7150	Site Selection And Development
7150	Site Selection And Development
7160	Charter School Facilities
7160	Charter School Facilities
7213	School Facilities Improvement Districts
7214	General Obligation Bonds
7214	General Obligation Bonds

Description

9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9150	Student Board Members
9200	Limits Of Board Member Authority
9223	Filling Vacancies
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9324	Minutes And Recordings

Exhibit 9323.2-E(1): Actions By The Board

Status: ADOPTED

Original Adopted Date: 10/01/2016 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

RESTRICTIONS ON BOARD ACTIONS

This exhibit is a non-exhaustive list of the Governing Board actions that require more than a majority vote as well as restrictions and prohibitions on when the Board may take certain actions. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds Vote of the Membership of the Board

CSBA NOTE: For an action requiring a two-thirds vote to pass, a three-member governing board will need two board members to vote in favor of the item and a five-member board will need four board members to vote in favor of the item. For a seven-member board, five board members will constitute two-thirds of the board except, pursuant to Education Code 35165, if there are one or two vacancies, in which case four board members will constitute two-thirds of the board.

1. Resolution declaring the Board's intention to sell or lease real property (Education Code 17466)
2. Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

CSBA NOTE: Item #5 below is different from temporary borrowing pursuant to Government Code 53850-53858, which requires only a simple majority vote of the Board.

5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district so long the proposed use of property is not for nonclassroom facilities (Government Code 53094)
7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. Decision to pursue the authorization and issuance of general obligation bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution (Education Code 15266)
10. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

CSBA NOTE: Item #11 is for use by districts governed by a three-member board that have elected to use an alternative procedure for awarding contracts for public works projects pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which establishes a higher bid limit and a more informal bidding process for certain projects. For further information, see BP

3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts with a five- or seven-member board should delete Item #11 below. See Item #4 in the section "Actions Requiring a Four-Fifths Vote of the Board" below for the corresponding language for a district with a five- or seven-member board.

11. When the district has a three-member Board and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

Actions Requiring a Four-Fifths Vote of the Membership of the Board

CSBA NOTE: For an action requiring a four-fifths vote to pass, a three-member board will need a unanimous vote in favor of the item and a five-member board will need four board members to vote in favor of the item. For a seven-member board, six board members will constitute fourth-fifths of the board except, pursuant to Government Code 35165, if there is one or two vacancies, in which case five or four board members, respectively, will constitute fourth-fifths of the board.

Items #1 and #2 below are different from borrowing pursuant to Government Code 53850-53858, which requires only a simple majority vote of the Board.

1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823, 53824)
3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

CSBA NOTE: Item #4 is for use by districts governed by a five-member or seven-member board. Districts with a three -member board should delete Item #4 below. See Item #11 in Section "Actions Requiring a Two-Thirds Vote of the Membership of the Board" above for the corresponding language for a district with a three-member board.

Items #4-5 are for use by districts that have elected to use an alternative procedure for awarding contracts for public works projects pursuant to the UPCCAA. For further information, see BP 3311.1 - Uniform Public Construction Cost Accounting Procedures.

4. When the district has a five-member or seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less,

all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

Actions Requiring a Four-Fifths Vote of the Board Members Present at the Meeting

1. Approval of the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

Actions Requiring a Unanimous Vote of the Membership of the Board

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510, 17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

Actions Required to Occur During a Regular Board Meeting

1. Termination of the Superintendent or an assistant superintendent without cause (Education Code 35150)
2. Discussion or action regarding the contract, salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1 (Government Code 54956)

Prohibitions on Certain Board Actions

CSBA NOTE: Pursuant to Education Code 35150, as added by SB 494 (Ch. 875, Statutes of 2023), the Board is prohibited from taking action to terminate the Superintendent or Assistant Superintendent as specified in the following paragraph.

1. Termination of the Superintendent or an assistant superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)

CSBA NOTE: Pursuant to Government Code 54230.7, as added by SB 229 (Ch. 774, Statutes of 2023), districts disposing of surplus land that received a notification of violation from the Department of Housing and Community Development are required to hold an open and public meeting to review and consider the substance of the notice of violation and may not take final action to ratify or approve the proposed disposal until a public meeting is held.

2. When the District is disposing of surplus land and has received a notification from the Department of Housing and Community Development pursuant to Government Code 54230.5 with regard to the surplus land, final action to ratify or approve the proposed disposal of surplus land unless the district holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice

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

Code of Civil Procedure 1245.240

Description

[Eminent domain vote requirements](#)

Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue
Ed. Code 15266	School construction bonds
Ed. Code 17466	Declaration of intent to sell or lease real property
Ed. Code 17481	Lease of property with residence for nondistrict purposes
Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote
Ed. Code 17546	Private sale of personal property
Ed. Code 17556-17561	Dedication of real property
Ed. Code 35140-35149	Meetings
Ed. Code 35150	Prohibition to terminate superintendent or assistant superintendent at specified meetings or times
Ed. Code 35160-35178.4	Powers and duties
Ed. Code 48660-48661	Community day schools; establishment and restrictions
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 53724	Parcel tax resolution requirements
Gov. Code 53790-53792	Exceeding the budget
Gov. Code 53820-53833	Temporary borrowing
Gov. Code 53850-53858	Temporary borrowing
Gov. Code 54230.5	Disposal of surplus land and receipt of notice of violation
Gov. Code 54230.7	Disposal of surplus land and receipt of notice of violation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.6	Action taken; definition
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54960-54960.5	Actions to prevent violations
Gov. Code 65352.2	Communicating and coordinating of school sites
Pub. Cont. Code 20110-20118.44	School district contracts
Pub. Cont. Code 20113	Emergencies; award of contracts without bids
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account
Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency
Pub. Cont. Code 22050	Emergency contracting procedures
Pub. Cont. Code 3400	Bid specifications

Management Resources References

	Description
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019

League of California Cities Publication

[Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Institute for Local Government](#)

Website

[California Office of the Attorney General](#)

Website

[CSBA](#)

Cross References

Description

3260

[Fees And Charges](#)

3260

[Fees And Charges](#)

3270

[Sale And Disposal Of Books, Equipment And Supplies](#)

3270

[Sale And Disposal Of Books, Equipment And Supplies](#)

3280

[Sale Or Lease Of District-Owned Real Property](#)

3280

[Sale Or Lease Of District-Owned Real Property](#)

3311

[Bids](#)

3311

[Bids](#)

3311.1

[Uniform Public Construction Cost Accounting Procedures](#)

3311.1

[Uniform Public Construction Cost Accounting Procedures](#)

3471

[Parcel Taxes](#)

6185

[Community Day School](#)

6185

[Community Day School](#)

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[Relations With Local Agencies](#)

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[Site Selection And Development](#)

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[Meeting Conduct](#)

AGENDA ITEM

Agenda Title: Wellness Plan Triennial Report

Meeting Date: August 29, 2024

Item: Discussion

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

The Governing Board is asked to hear a report on the Eureka City Schools Triennial Assessment of the Wellness 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 Triennial Assessment of the Wellness Plan measures the district's progress on the goals of the Wellness Plan and the plan's compliance to the policy.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: Mental Health, Social-Emotional Wellness, and Family Engagement

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

An assessment of the Wellness Plan is completed and presented before the Governing Board every three years.

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

There is no cost or revenue associated with this item.

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

Lisa Claussen, Director of Student Services

ATTACHMENTS:

Description

- ▣ Summary of Wellness Policy 2024
- ▣ ECS Wellness Policy Board Presentation 8_29_24

Comprehensive Report: Local Student Wellness Policy

Title: Local Student Wellness Policy Comparison Report

Date: July 24, 2024

Prepared By: Lisa Claussen, Director of Student Services

Non-Discrimination Statement

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Comparison Analysis

- Nutrition Education
- Nutrition Promotion
- Physical Activity
- Other Wellness Activities
- Foods Sold
- Foods Given Away
- Food & Beverage Marketing
- Person in Charge
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- Implementation Plan
- Annual Update
- Triennial Assessment

Review of WellStat-I Data

Conclusion

Resources

Nutrition Education

Eureka City Schools Policy:

- Based on research and consistent with state standards.
- Integrates nutrition education into health education and other subjects.
- Includes information on the benefits of healthy eating.

Alliance for a Healthier Generation Model:

- Comprehensive, skills-based health education for all K-12 students.
- Qualified professionals teach health education.
- The curriculum is regularly evaluated and revised to promote healthy behaviors.

Comparison Analysis and Conclusions: Eureka City Schools has a solid foundation in integrating nutrition education. However, the Alliance model emphasizes a more structured and comprehensive approach, including regular curriculum evaluation and professional qualifications for educators.

Next Steps:

1. Develop Specific Goals: Establish clear, measurable goals for nutrition education.
2. Enhance Curriculum Integration: Integrate health and wellness more comprehensively across all subjects.

Timeline:

- Year 1: Set goals and objectives.
- Year 2: Begin curriculum enhancements.
- Year 3: Evaluate and adjust curriculum as needed.

Nutrition Promotion

Eureka City Schools Policy:

- Encourages marketing of healthy food choices.
- Utilizes various communication methods to promote the lunch program.

Alliance for a Healthier Generation Model:

- Promotes healthy food and beverage choices using marketing techniques.
- Ensures all food and beverages meet Smart Snacks standards.

Comparison Analysis and Conclusions: While Eureka City Schools encourages healthy choices, the Alliance model provides specific marketing techniques and strict adherence to nutritional standards for all food promotions.

Next Steps:

1. Implement Marketing Strategies: Use specific techniques to promote healthy choices.
2. Ensure Compliance: Ensure all marketed foods meet Smart Snacks standards.

Timeline:

- Year 1: Develop and implement marketing strategies.
- Years 1-3: Review and ensure compliance.

Physical Activity

Eureka City Schools Policy:

- Provides opportunities for physical activity through various programs.
- Encourages staff to serve as role models for physical fitness.

Alliance for a Healthier Generation Model:

- Integrates physical activity into curriculum and school events.
- Staff are required to model healthy behaviors and participate in physical activities.

Comparison Analysis and Conclusions: Eureka City Schools promotes physical activity but could benefit from more structured integration and staff participation as outlined in the Alliance model.

Next Steps:

1. Integrate Physical Activity: Incorporate physical activity into all school events and curricula.
2. Enhance Staff Participation: Encourage staff to model and participate in physical activities.

Timeline:

- Years 1-2: Begin integrating physical activities into curricula.
- Years 1-2: Launch staff participation programs.

Other Wellness Activities

Eureka City Schools Policy:

- Encourages positive role modeling and promotes work-site wellness programs.

Alliance for a Healthier Generation Model:

- Comprehensive physical and mental health support, including stress management and social-emotional health programs.

Comparison Analysis and Conclusions: Eureka City Schools supports staff wellness but lacks the comprehensive, structured support detailed in the Alliance model.

Next Steps:

1. Develop Wellness Programs: Create comprehensive wellness programs for staff.
2. Provide Resources: Offer resources for physical and mental health.

Timeline:

- Years 1-2: Develop a wellness program framework.
- Years 1-3: Implement wellness programs and resources.

Foods Sold

Eureka City Schools Policy:

- Adopts nutrition guidelines consistent with federal standards.
- Participates in federal nutrition programs and encourages student input on menus.

Alliance for a Healthier Generation Model:

- Ensures all foods and beverages sold meet Smart Snacks standards.
- Promotes healthy food choices through marketing and student involvement.

Comparison Analysis and Conclusions: Eureka City Schools adheres to federal standards but can enhance its approach by strictly aligning with Smart Snacks standards and involving students more comprehensively.

Next Steps:

1. Align with Smart Snacks: Ensure all foods meet these standards.
2. Increase Student Involvement: Engage students in menu planning and food choices.

Timeline:

- Year 1: Review and align food offerings with Smart Snacks.
- Years 1-3: Implement increased student involvement strategies.

Foods Given Away

Eureka City Schools Policy:

- Encourages consideration of nutritional quality for class parties and celebrations.

Alliance for a Healthier Generation Model:

- Requires all foods and beverages served to meet Smart Snacks standards.
- Provides lists of healthy and non-food party ideas and rewards.

Comparison Analysis and Conclusions: Eureka City Schools encourages healthy choices but can improve by adopting stricter standards and providing resources for healthy options.

Next Steps:

1. Adopt Smart Snacks Standards: Ensure all foods given away meet these standards.
2. Provide Resources: Offer lists of healthy and non-food party ideas.

Timeline:

- Years 1-2: Adopt Smart Snacks standards for all given foods.
- Years 1-3: Distribute resources for healthy options.

Food & Beverage Marketing

Eureka City Schools Policy:

- Prohibits marketing non-nutritious foods during the school day.

Alliance for a Healthier Generation Model:

- Comprehensive prohibition of marketing non-compliant foods and beverages, including digital media, school events, and educational materials.

Comparison Analysis and Conclusions: Eureka City Schools has basic restrictions but can be enhanced by adopting comprehensive prohibitions on all marketing of non-compliant foods.

Next Steps:

1. Expand Marketing Restrictions: Prohibit all marketing of non-compliant foods and beverages.
2. Monitor Compliance: Regularly review and ensure adherence to marketing policies.

Timeline:

- Years 1-2: Expand marketing restrictions.
- Years 1-3: Implement monitoring and compliance reviews.

Person in Charge

Eureka City Schools Policy:

- Encourages broad participation in wellness policy development.

Alliance for a Healthier Generation Model:

- Designates specific roles and responsibilities for wellness policy implementation and updates.

Comparison Analysis and Conclusions: Eureka City Schools encourages participation but lacks specific role designations for wellness policy oversight.

Next Steps:

1. Designate Roles: Assign specific roles for wellness policy implementation and oversight.
2. Define Responsibilities: Clearly define responsibilities for each role.

Timeline:

- Year 1: Designate roles and responsibilities.
- Years 1-3: Implement role-based oversight of wellness policies.

Involvement of School & Community Members

Eureka City Schools Policy:

- Encourages parent and community involvement in wellness policy activities.

Alliance for a Healthier Generation Model:

- Actively recruits diverse community members for wellness councils and committees.

Comparison Analysis and Conclusions: Eureka City Schools encourages involvement but can enhance it by actively recruiting diverse community members and ensuring broad representation.

Next Steps:

1. Active Recruitment: Actively recruit diverse community members for wellness councils.
2. Ensure Representation: Ensure broad representation on wellness councils and committees.

Timeline:

- Year 1: Begin active recruitment of diverse members.
- Years 1-3: Ensure broad representation in wellness councils.

Implementation Plan

Eureka City Schools Policy:

- Provides annual updates and progress reports on the wellness policy.

Alliance for a Healthier Generation Model:

- Requires a detailed implementation plan with specific goals and timelines.

Comparison Analysis and Conclusions: Eureka City Schools provides updates but needs a detailed implementation plan with specific goals and timelines.

Next Steps:

1. Develop Implementation Plan: Create a detailed plan with specific goals and timelines.
2. Regular Monitoring: Regularly monitor progress and update the plan as needed.

Timeline:

- Year 1: Develop a detailed implementation plan.
- Years 1-3: Implement regular monitoring and updates.

Annual Update

Eureka City Schools Policy:

- Provides annual updates and progress reports.

Alliance for a Healthier Generation Model:

- Requires comprehensive annual updates, including community involvement in the review process.

Comparison Analysis and Conclusions: Eureka City Schools provides updates but can improve by involving the community in the review process and giving comprehensive updates.

Next Steps:

1. Involve Community: Engage the community in the annual review process.
2. Comprehensive Updates: Provide comprehensive annual updates on wellness policy progress.

Timeline:

- Year 1: Begin community involvement in annual reviews.
- Years 1-3: Provide comprehensive updates.

Triennial Assessment

Eureka City Schools Policy:

- Conducts triennial assessments of the wellness policy.

Alliance for a Healthier Generation Model:

- Requires detailed triennial assessments with community input and updates based on findings.

Comparison Analysis and Conclusions: Eureka City Schools conducts assessments but can enhance by involving the community and updating policies based on assessment findings.

Next Steps:

1. Detailed Assessments: Conduct detailed triennial assessments with community input.
2. Policy Updates: Update wellness policies based on assessment findings.

Timeline:

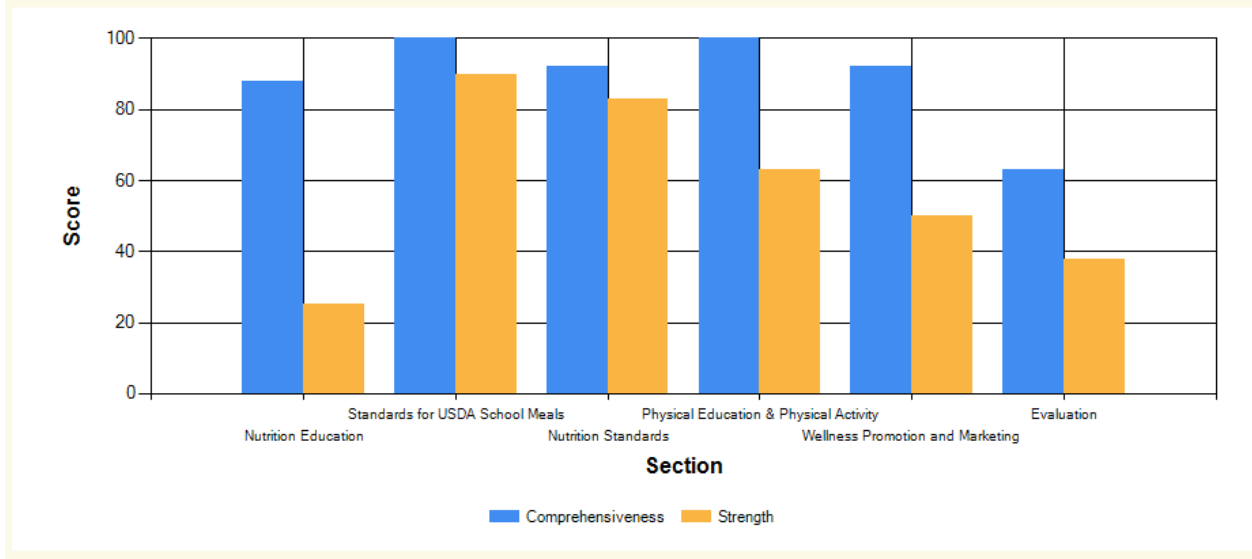
- Year 3: Conduct detailed triennial assessments.
- Years 1-3: Implement policy updates based on evaluations.

Review of the WellSAT-I Data

The WellSAT-I is an interview measuring how fully a district implements wellness practices in its schools.



Feedback was received from the Food Services Director, Director of Curriculum, a Principal, and a Physical Education teacher.

Policy Name: Eureka City Schools








Section 1. Nutrition Education

Rating

NE1	 Includes goals for nutrition education that are designed to promote student wellness.	1
NE2	Nutrition education teaches skills that are behavior focused, interactive, and/or participatory.	1
NE3	All elementary school students receive sequential and comprehensive nutrition education.	1
NE4	All middle school students receive sequential and comprehensive nutrition education.	1
NE5	All high school students receive sequential and comprehensive nutrition education.	1
NE6	Nutrition education is integrated into other subjects beyond health education	2
NE7	Links nutrition education with the school food environment.	0
NE8	 Nutrition education addresses agriculture and the food system.	2
Subtotal for Section 1	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 8 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	88
	Strength Score: Count the number of items rated as "2" and divide this number by 8 (the number of items in this section). Multiply by 100.	25







Section 2. Standards for USDA Child Nutrition Programs and School Meals

Rating

SM1	 Assures compliance with USDA nutrition standards for reimbursable school meals.	2
SM2	Addresses access to the USDA School Breakfast Program.	2
SM3	 District takes steps to protect the privacy of students who qualify for free or reduced priced meals.	2
SM4	Addresses how to handle feeding children with unpaid meal balances without stigmatizing them.	2
SM5	Specifies how families are provided information about determining eligibility for free/reduced priced meals.	2
SM6	Specifies strategies to increase participation in school meal programs.	2
SM7	Addresses the amount of "seat time" students have to eat school meals.	1
SM8	 Free drinking water is available during meals.	2
SM9	 Ensures annual training for food and nutrition services staff in accordance with USDA Professional Standards.	2
SM10	 Addresses purchasing local foods for the school meals program.	2
Subtotal for Section 2	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 10 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	100
	Strength Score: Count the number of items rated as "2" and divide this number by 10 (the number of items in this section). Multiply by 100.	90

Section 3. Nutrition Standards for Competitive and Other Foods and Beverages

Rating

NS1	 Addresses compliance with USDA nutrition standards (commonly referred to as Smart Snacks) for all food and beverages sold to students during the school day.	2
NS2	USDA Smart Snack standards are easily accessed in the policy.	2
NS3	 Regulates food and beverages sold in a la carte.	2
NS4	 Regulates food and beverages sold in vending machines.	2
NS5	 Regulates food and beverages sold in school stores.	2
NS6	 Addresses fundraising with food to be consumed during the school day.	2
NS8	Addresses foods and beverages containing caffeine at the high school level.	2
NS9	 Regulates food and beverages served at class parties and other school celebrations in elementary schools.	0
NS10	Addresses nutrition standards for all foods and beverages served to students after the school day, including, before/after care on school grounds, clubs, and after school programming.	2
NS11	Addresses nutrition standards for all foods and beverages sold to students after the school day, including before/after care on school grounds, clubs, and after school programming.	2
NS12	Addresses food not being used as a reward.	1
NS13	Addresses availability of free drinking water throughout the school day.	2
Subtotal for Section 3	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 12 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	92
	Strength Score: Count the number of items rated as "2" and divide this number by 12 (the number of items in this section). Multiply by 100.	83



Section 4. Physical Education and Physical Activity

Rating

PEPA1	 There is a written physical education curriculum for grades K-12.	1
PEPA2	The written physical education curriculum for each grade is aligned with national and/or state physical education standards.	2
PEPA3	Physical education promotes a physically active lifestyle.	2
PEPA4	Addresses time per week of physical education instruction for all elementary school students.	2
PEPA5	Addresses time per week of physical education instruction for all middle school students.	2
PEPA6	Addresses time per week of physical education instruction for all high school students.	1
PEPA7	Addresses qualifications for physical education teachers for grades K-12.	2
PEPA8	Addresses providing physical education training for physical education teachers.	2
PEPA9	Addresses physical education exemption requirements for all students.	2
PEPA10	Addresses physical education substitution for all students.	1
PEPA11	 Addresses family and community engagement in physical activity opportunities at all schools.	1
PEPA12	 Addresses before and after school physical activity for all students including clubs, intramural, interscholastic opportunities.	1
PEPA13	Addresses recess for all elementary school students.	2
PEPA14	 Addresses physical activity breaks during school.	1
PEPA15	Joint or shared-use agreements for physical activity participation at all schools.	2
PEPA16	District addresses active transport (Safe Routes to School) for all K-12 students who live within walkable/bikeable distance.	2
Subtotal for Section 4	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 16 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	100
	Strength Score: Count the number of items rated as "2" and divide this number by 16 (the number of items in this section). Multiply by 100.	63







Section 5. Wellness Promotion and Marketing

Rating

WPM1	Encourages staff to model healthy eating and physical activity behaviors.	0
WPM2	 Addresses strategies to support employee wellness.	1
WPM3	Addresses using physical activity as a reward.	1
WPM4	Addresses physical activity not being used as a punishment.	1
WPM5	Addresses physical activity not being withheld as a punishment.	1
WPM6	Specifies marketing to promote healthy food and beverage choices.	1
WPM7	 Restricts marketing on the school campus during the school day to only those foods and beverages that meet Smart Snacks standards.	2
WPM8	Specifically addresses marketing on school property and equipment (e.g., signs, scoreboards, sports equipment).	2
WPM9	Specifically addresses marketing on educational materials (e.g., curricula, textbooks, or other printed or electronic educational materials).	2
WPM10	Specifically addresses marketing where food is purchased (e.g., exteriors of vending machines, food and beverage cups and containers, food display racks, coolers, trash and recycling containers).	2
WPM11	Specifically addresses marketing in school publications and media (e.g., advertisements in school publications, school radio stations, in-school television, computer screen savers, school-sponsored Internet sites, and announcements on the public announcement (PA) system).	2
WPM12	Specifically addresses marketing through fundraisers and corporate-incentive programs (e.g., fundraising programs that encourage students and their families to sell, purchase, or consume products and corporate incentive programs that provide funds to schools in exchange for proof of purchases of company products, such as Box Tops for Education).	2
Subtotal for Section 5	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 12 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	92
	Strength Score: Count the number of items rated as "2" and divide this number by 12 (the number of items in this section). Multiply by 100.	50

Section 6. Implementation, Evaluation & Communication

Rating

IEC1	Addresses the establishment of an ongoing district wellness committee.	0
IEC2	 Addresses how all relevant stakeholders (parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrator, and the general public) will participate in the development, implementation, and periodic review and update of the local wellness policy.	0
IEC3	 Identifies the officials responsible for the implementation and compliance of the local wellness policy.	2
IEC4	 Addresses making the wellness policy available to the public.	2
IEC5	 Addresses the assessment of district implementation of the local wellness policy at least once every three years.	2
IEC6	 Triennial assessment results will be made available to the public and will include:	1
IEC7	 Addresses a plan for updating policy based on results of the triennial assessment.	1
IEC8	Addresses the establishment of an ongoing school building level wellness committee.	0
Subtotal for Section 6	Comprehensiveness Score: Count the number of items rated as "1" or "2" and divide this number by 8 (the number of items in this section). Multiply by 100. Do not count an item if the rating is "0."	63
	Strength Score: Count the number of items rated as "2" and divide this number by 8 (the number of items in this section). Multiply by 100.	38

[Click here for Resources for Wellness Policy Development, Implementation and Evaluation](#)

Summary of WellSAT-I Results

The WellSAT-I evaluation of the Eureka City Schools' wellness policies yielded the following scores:

- **Total Comprehensiveness District Score: 89**
- **Total Strength District Score: 58**

Comprehensiveness Score: 89

The comprehensiveness score indicates that Eureka City Schools' well-developed wellness policies cover a broad range of areas essential for promoting student health and wellness. This high score reflects the district's commitment to including various components in its wellness policies, such as nutrition education, physical activity, and comprehensive wellness programs.

The policies are designed to ensure that students have access to healthy food options, opportunities for physical activity, and a supportive environment that fosters overall well-being.

Strength Score: 58

The strength score, however, is moderately lower. This score measures the effectiveness and enforceability of the policies. While the district's policies are comprehensive, there is room for improvement in their strength and implementation. The policies could benefit from more explicit guidelines, more specific goals, and more vigorous enforcement mechanisms to ensure that they are effectively implemented and adhered to across all schools in the district.

Summary and Recommendations

Overall, Eureka City Schools has a solid foundation with its comprehensive wellness policies, as evidenced by the high comprehensiveness score. However, to enhance the effectiveness of these policies and improve the overall health and wellness outcomes for students, it is recommended to:

1. **Strengthen Policy Implementation:** Develop more explicit guidelines and vigorous enforcement mechanisms to ensure wellness policies are consistently implemented across all schools.
2. **Set Specific Goals:** Establish measurable goals and objectives to track progress and ensure accountability.
3. **Increase Community and Staff Engagement:** Actively involve parents, community members, and staff in the implementation and review process to ensure broad support and adherence to wellness policies.
4. **Regular Monitoring and Updates:** Continuously monitor the policies' effectiveness and make necessary adjustments based on feedback and assessment results.

By focusing on these areas, Eureka City Schools can enhance the strength and impact of their wellness policies, ultimately contributing to better health outcomes for all students.

Conclusion

Eureka City Schools has a solid foundation for promoting student wellness. Still, there are several areas where policies can be enhanced to align more closely with the comprehensive approach of the Alliance for a Healthier Generation model. By adopting the following steps outlined in this report and adhering to the proposed timeline, we are confident that we will achieve a more holistic and practical framework for student health and well-being. This will improve our students' overall health outcomes and foster an environment that supports academic success and lifelong healthy habits.

Resources

Nutrition Education

Society for Public Health Education:

- [Policy brief on health education in the Every Student Succeeds Act](#)

Cairn Guidance:

- [A Systems Approach to Integrating Health in Education](#)

USDA:

- [USDA Food and Nutrition Information Center](#)
- [USDA My Plate](#)

Society for Nutrition Education and Behavior:

- [Society for Nutrition Education and Behavior Website](#)
- [Publications](#)

Centers for Disease Control and Prevention

- [Tips for Teachers: Promoting Healthy Eating and Physical Activity in the Classroom](#)
-

Standards for USDA School Meals

Alliance for a Healthier Generation:

- [School Wellness Committee Toolkit](#)
- [Wellness Councils and Wellness Policies](#)

Center for Science in the Public Interest:

- [Healthier School Lunches](#)

Centers for Disease Control and Prevention:

- [CDC Local Wellness Policies](#)
- [Putting Local School Wellness Policies into Action: Stories from School Districts and Schools](#)
- [Wellness Teams Work: A Guide for Putting Wellness Policies into Practice in Schools](#)

The University of Illinois at Chicago:

- [National Wellness Policy Study](#)
- [Food Service Directors: Speaking From Experience](#)

USDA:

- [Child Nutrition Programs](#)
- [Wellness Policies](#)

ChangeLab Solutions:

- [Wellness Policy Enforcement](#)
- [District Policy Restricting Food and Beverage Advertising on School Grounds](#)

National Alliance for Nutrition and Activity:

- [Model School Wellness Policies](#)

National Association of State Boards of Education:

- [State School Health Policy Database](#)

Wellness Policy and Implementation Examples:

- [California Project Lean](#)

The Kids' Safe and Healthful Foods Project:

- [School Meal Programs Innovate to Improve Student Nutrition](#)

Shape America:

- [State School Health Policy Matrix 2.0](#)

National Collaborative on Education and Health:

- [Report to the National Steering Committee](#)

National Association of Chronic Disease Directors:

- [A Guide for Incorporating Health and Wellness into School Improvement Plans](#)
- [A Guide for Communicating School Health Achievements](#)

Nutrition Standards for Competitive and Other Foods and Beverages

Berkeley Media Studies Group:

- [Examining the public debate on school food nutrition guidelines: Findings and lessons learned from an analysis of news coverage and legislative debates](#)

Centers for Disease Control and Prevention:

- [A comprehensive framework for addressing the school nutrition environment and services](#)
- [Competitive Foods in School](#)

The Kids' Safe and Healthful Foods Project:

- [Kids' Safe and Healthful Foods Project Website](#)

Alliance for a Healthier Generation:

- [Snacks and Beverages](#)
- [Smart Snacks Product Calculator](#)
- [Smart Food Planner](#)

Centers for Disease Control and Promotion

- [Water Access in Schools](#)

UConn Rudd Center for Food Policy and Health

- [Alternatives to Food Rewards](#)
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Physical Education & Physical Activity

Centers for Disease Control and Prevention:

- [Recess Planning in Schools](#)
- [Strategies for Recess in Schools](#)
- [Physical Education Curriculum Analysis Tool](#)

Shape America:

- [The Essential Components of Physical Education](#)
 - [SHAPE America Website \(formerly AAHPERD\)](#)
 - [Guide for Physical Education Policy](#)
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Wellness Promotion and Marketing

Berkeley Media Studies Group:

- [Eye on Marketers](#)
- [Toolkit on Stopping Junk Food Marketing to Kids \(English\)](#)
- [Toolkit on Stopping Junk Food Marketing to Kids \(Spanish\)](#)
- [Stopping Junk Food Marketing to Kids Video \(English\)](#)
- [Stopping Junk Food Marketing to Kids Video \(Spanish\)](#)
- [Target Marketing Soda & Fast Food: Problems with Business as Usual \(English\)](#)
- [Target Marketing Soda & Fast Food: Problems with Business as Usual \(Spanish\)](#)
- [The Soda and Fast Food Industries Target their Marketing Towards Mothers of Color \(English\)](#)
- [The Soda and Fast Food Industries Target their Marketing Towards Mothers of Color \(Spanish\)](#)

ChangeLab Solutions:

- [District Policy Restricting Food and Beverage Advertising on School Grounds](#)

Other Relevant Websites:

- [Digital Ads: Exposing How Marketers Target Youth](#)
 - [Center for Science in the Public Interest](#)
 - [Food Marketing Workgroup](#)
 - [Campaign for a Commercial-Free Childhood](#)
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Implementation, Evaluation & Communication

Action for Healthy Kids:

- [Parent Toolkit](#)
- [Tools for Schools](#)

Centers for Disease Control and Prevention:

- [School Health Guidelines](#)
- [School Health Index](#)
- [Tips for Teachers: Promoting Healthy Eating and Physical Activity in the Classroom](#)

Healthy Schools Campaign:

- [ESSA Implementation: Key Opportunities to Support Health and Wellness](#)
- [State ESSA Plans to Support Student Health and Wellness: A Framework for Action](#)

National Association of Chronic Disease Directors:

- [Speaking Education's Language: A Guide For Public Health Professionals Working in the Education Sector](#)

ChangeLab Solutions:

- [National Policy & Legal Analysis Network to Prevent Childhood Obesity \(NPLAN\)](#)

Other Organizations with Helpful Resources:

- [African American Collaborative Obesity Research Network](#)
- [Alliance for a Healthier Generation](#)
- [Voices for Healthy Kids](#)
- [Public Health Advocacy Institute](#)
- [Public Health Law Center](#)
- [Robert Wood Johnson Foundation](#)

Triennial Wellness Policy Update

August 2024



Introduction

- Brief introduction to the wellness policy review
 - a. The last update the Board received was June 2021
- Purpose: To align with comprehensive wellness models and enhance student health outcomes
- Components of the Triennial Wellness Policy
 - a. Comparison to a model policy (we used Alliance for a Healthier Generation Model)
 - b. Progress with the established Wellness Policy Goals
 - c. Compliance with the policy



Areas Reviewed

- Nutrition Education
- Nutrition Promotion
- Physical Activity
- Wellness Activities
- Foods Sold, Given Away, and Marketing

Areas Reviewed

	Current Policy	Comparison	Next Steps	Timeline
Physical Activity	<i>Provides physical activity opportunities, encourages staff role models</i>	<i>Alliance model integrates activities into curriculum and events, requires staff participation</i>	<i>Incorporate physical activity into all events and curricula, enhance staff participation</i>	<i>Integration and staff programs in Years 1-2</i>
Wellness Activities	<i>Encourages positive role modeling and work-site wellness</i>	<i>Alliance model offers comprehensive support including stress management</i>	<i>Develop comprehensive wellness programs, provide resources</i>	<i>Framework development in Years 1-2, implementation in Years 1-3</i>
Foods Sold	<i>Follows federal guidelines, involves students in menu planning</i>	<i>Alliance model ensures all items meet Smart Snacks standards, promotes healthy choices</i>	<i>Align with Smart Snacks, increase student involvement</i>	<i>Review and align in Year 1, implement involvement strategies in Years 1-3</i>
Foods Given Away	<i>Encourages consideration of nutritional quality for class parties and celebrations</i>	<i>Alliance model requires all foods and beverages served to meet Smart Snacks standards</i>	<i>Adopt Smart Snacks standards, provide healthy party ideas</i>	<i>Standards adoption in Years 1-2, distribute resources in Years 1-3</i>
Food & Beverage Marketing	<i>Prohibits marketing non-nutritious foods</i>	<i>Alliance model has comprehensive marketing prohibitions</i>	<i>Expand marketing restrictions, monitor compliance</i>	<i>Expand restrictions in Years 1-2, monitor in Years 1-3</i>
Implementation Plan	<i>Provides annual updates and progress reports</i>	<i>Alliance model requires detailed plans with specific goals and timelines</i>	<i>Develop detailed implementation plans, involve community in reviews</i>	<i>Plan development in Year 1, community involvement in Years 1-3</i>
Triennial Assessment	<i>Conducts triennial assessments</i>	<i>Alliance model involves community and updates policies based on assessments</i>	<i>Conduct detailed assessments, update policies based on findings</i>	<i>Detailed assessments in Year 3, policy updates in Years 1-3</i>

WellSAT-I Data

- Overview: Evaluation of implementation of wellness practices
 - a. The WellSAT is a qualitative assessment tool to help score and improve local School Wellness Policies. This has been used across the country since 2010. All WellSAT items reflect the federal law or best practices. The purpose of scoring our ECS policy is to identify where it is strong and where it could be improved.
- Scores:
 - a. Comprehensiveness: 89 (well-developed, broad range)
 - b. Strength: 58 (room for improvement in enforceability)
- Summary: Strong foundation, but need for clearer guidelines, specific goals, and stronger enforcement mechanisms



Creation of a Wellness Committee

- Objective: Establish a dedicated committee for overseeing wellness policies
- Composition: Diverse community members, staff, parents, and students
- Responsibilities: Policy implementation, annual review, community engagement
- Timeline:
 - a. Year 1: Form the committee
 - b. Year 1-3: Regular meetings and progress reviews



Annual Review of Wellness Policies

- Objective: Ensure continuous improvement and alignment with best practices
- Process:
 - a. Engage community in the review process
 - b. Provide comprehensive updates and adjustments based on feedback
- Timeline:
 - a. Year 1: Begin community involvement in annual reviews
 - b. Years 1-3: Provide comprehensive annual updates



Conclusion and Next Steps

- Summary: Eureka City Schools has a strong foundation but can enhance policies with specific actions
- Next Steps: Implement outlined steps to improve health and wellness outcomes
- Call to Action: Engage board members and community in supporting these initiatives