

AGENDA FOR THE REGULAR MEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION

October 13, 2015

5:00 pm CLOSED SESSION

6:00 pm REGULAR SESSION

Downieville School, 130 School Street, Downieville CA 95936

**This meeting will be available for videoconferencing at  
Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118**

*In the case of a technological difficulty at either school site, videoconferencing will not be available.*

*Any individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.*

*Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at the Sierra County Board of Education, 109 Beckwith Road, Room 3, Loyalton, CA, 96118, and posted with the online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5)*

A. CALL TO ORDER  
(Please be advised that this meeting will be recorded.)

B. ROLL CALL

C. APPROVAL OF THE AGENDA

D. PUBLIC COMMENT FOR CLOSED SESSION

At this time, the meeting opens for any public comments regarding the Closed Session items.

E. CLOSED SESSION

The Board of Trustees, Superintendent Dr. Merrill M. Grant and Rose Asquith, Business Manager will move into Closed Session to discuss the following item:

1. Government Code §54957.6, Conference with Labor Negotiators  
Agency Negotiator for the Board: Dr. Merrill M. Grant, Superintendent  
Employee Organizations:  
    Represented Employees: Sierra-Plumas Teachers' Association  
    Unrepresented Employees: Classified Employees  
    Confidential Employees  
    Classified Management Employees  
    Administration Employees

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK

6 pm - RECONVENE

G. FLAG SALUTE

REPORT OUT FROM CLOSED SESSION

H. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. California County Superintendents Educational Services Association (CCSESA) Quarterly Meeting
  - b. FIT Report
2. Business Report
  - a. Board Report-Expenditures by Object 07/01/15 to 9/30/15\*\*
  - b. Letter of Budget Approval from California Department of Education\*\*
3. Staff Reports (5 minutes)
4. SPTA Report (5 minutes)
5. Board Members' Report (5 minutes)
6. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. Five minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)
  - a. Current location
  - b. Videoconference location

I. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held September 8, 2015\*\*
2. Approval of bill warrants for month of September 2015\*\*
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending September 30, 2015. It is required per Education Code 35186 section (d) *that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.* No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending September 30, 2015.

J. ACTION ITEMS

1. New Business
- 1516-12 Public Hearing to allow comments on the sufficiency of textbooks and instructional materials for kindergarten through 12<sup>th</sup> grade in each subject and to assure that they are aligned with the state standards adopted pursuant to Ed. Code §60605 or 60605.8 and also meet the reporting and sufficiency requirements contained in Ed. Code §60119.\*\* (Grant)
- 1516-13 Adoption of Resolution No. 15-004, Sufficiency of Textbooks and Instructional Materials\*\* (Grant)  
Roll Call Vote

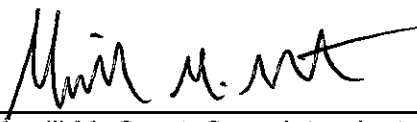
BOARD POLICIES AND ADMINISTRATIVE REGULATIONS (President)

- 1516-14 Board Policy and Administrative Regulation 0420, School Plans/Site Councils, revision\*\*
- 1516-15 Board Policy, Administrative Regulation and Exhibit 1312.3, Uniform Complaint Procedures, revision\*\*
- 1516-16 *Deletion* of Administrative Regulation 4040, Employee Use of Technology
- 1516-17 Board Policy, revision and Exhibit (new) 4040, Employee Use of Technology\*\*
- 1516-18 Board Policy 4131, Staff Development, revision\*\*
- 1516-19 Board Policy 4231, Staff Development, revision\*\*
- 1516-20 Administrative Regulation 4161.8, 4261.8, 4361.8, Family Care and Medical Leave, revision\*\*
- 1516-21 Administrative Regulation 5022, Student and Family Privacy Rights, revision\*\*

K. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on November 10, 2015, at Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm
- 2. Suggested Agenda Items
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

L. ADJOURNMENT

  
\_\_\_\_\_  
Dr. Merrill M. Grant, Superintendent  
Secretary to the County Board of Education

\*\*\* prior month handout  
\*\* enclosed  
\* handout

Balances through September						Fiscal Year 2015/16
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	190,198.00	190,198.00	197,156.43	26,696.41	33,654.84-
1120	Certificated Substitutes	2,100.00	2,100.00		110.00	1,990.00
1200	Certificated Pupil Support Ser	65,054.00	65,054.00	53,975.79	5,997.31	5,080.90
1300	Certificated Supervisor Admini	77,905.00	77,905.00	57,726.72	19,242.23	936.05
<b>Total for Object 1000</b>		<b>335,257.00</b>	<b>335,257.00</b>	<b>308,858.94</b>	<b>52,045.95</b>	<b>25,647.89-</b>
2100	Instructional Aides' Salaries	79,742.00	79,742.00	64,630.51	8,884.61	6,226.88
2120	Classified Substitutes	700.00	700.00			700.00
2200	Classified Support Salaries	10,530.00	10,530.00	8,917.59	1,779.46	167.05-
2220	Classified Substitute Salaries	500.00	500.00			500.00
2300	Classified Supervisors' Admini	101,353.00	101,353.00	75,475.80	25,248.60	628.60
2400	Clerical Technical Office Staf	130,378.00	130,378.00	99,800.11	31,009.20	431.31-
2900	Other Classified Salaries	9,915.00	9,915.00			9,915.00
<b>Total for Object 2000</b>		<b>333,118.00</b>	<b>333,118.00</b>	<b>248,824.01</b>	<b>66,921.87</b>	<b>17,372.12</b>
3101	STRS Certificated Positions			33,140.52	5,584.52	38,725.04-
3102	STRS Classified Positions	36,635.00	36,635.00	433.53	48.17	36,153.30
3202	PERS Classified Positions	54,763.00	54,763.00	39,933.54	11,720.01	3,109.45
3301	OASDI Certificated Positions	68.00	68.00			68.00
3302	OASDI Classified Positions	19,466.00	19,466.00	14,626.58	4,005.61	833.81
3311	Medicare Certificated Position	4,681.00	4,681.00	4,352.13	724.09	395.22-
3312	Medicare Classified Positions	4,667.00	4,667.00	3,479.38	944.62	243.00
3401	Health & Welfare Benefits Cert	88,592.00	88,592.00	69,917.58	10,421.38	8,253.04
3402	Health & Welfare Benefits Clas	73,935.00	73,935.00	57,528.54	17,464.10	1,057.64-
3501	SUI Certificated	234.00	234.00	154.44	26.04	53.52
3502	SUI Classified	234.00	234.00	124.44	33.43	76.13
3601	Workers' Compensation Certific	10,976.00	10,976.00	11,396.07	1,896.01	2,316.08-
3602	Workers' Compensation Classifi	10,939.00	10,939.00	9,110.39	2,473.43	644.82-
<b>Total for Object 3000</b>		<b>305,190.00</b>	<b>305,190.00</b>	<b>244,197.14</b>	<b>55,341.41</b>	<b>5,651.45</b>
4300	Materials and Supplies	13,306.00	13,306.00	8,376.32	1,147.42	3,782.26
4320	Custodial Grounds Supplies	1,300.00	1,300.00	26.88	528.17	744.95
4330	Office Supplies	1,000.00	1,000.00			1,000.00
4350	Vehicle Upkeep	5,500.00	5,500.00	2,062.14	167.75	3,270.11
4400	Noncapitalized Equipment	8,459.00	8,459.00	759.34		7,699.66
<b>Total for Object 4000</b>		<b>29,565.00</b>	<b>29,565.00</b>	<b>11,224.68</b>	<b>1,843.34</b>	<b>16,496.98</b>
5100	Subagreements for Services	39,626.00	39,626.00	17,095.00		22,531.00
5200	Travel and Conference	24,854.00	24,854.00	6,160.54	1,418.39	17,275.07

Balances through September						Fiscal Year 2015/16
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
5300	Dues and Membership	17,870.00	17,870.00	2,315.00	8,522.00	7,033.00
5400	Insurance	9,300.00	9,300.00		7,961.00	1,339.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	2,072.77	52.61-	7,179.84
5600	Rentals, Leases, Repairs, Nonc	2,600.00	2,600.00	316.39	124.47	2,159.14
5800	Professional Consulting	8,400.00	8,400.00	8,600.00	300.00-	100.00
5801	Legal Services	35,500.00	35,500.00	1,000.00		34,500.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	593.00	593.00	270.00		323.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	1,309.38	190.62	.00
5810	Contracted Services	365,709.00	365,709.00	243,651.88	46,239.88	75,817.24
5899	SPJUSD to Reimburse			3,092.09	575.91	3,668.00-
5900	Communications	1,600.00	1,600.00			1,600.00
	<b>Total for Object 5000</b>	<b>518,252.00</b>	<b>518,252.00</b>	<b>285,883.05</b>	<b>64,679.66</b>	<b>167,689.29</b>
6200	Building and Improvement of Bu	30,032.00	30,032.00			30,032.00
6400	Equipment	13,100.00	13,100.00			13,100.00
	<b>Total for Object 6000</b>	<b>43,132.00</b>	<b>43,132.00</b>	<b>.00</b>	<b>.00</b>	<b>43,132.00</b>
7141	Tuition, excess cost etc betwe	42,224.00	42,224.00			42,224.00
7310	Direct Support/Indirect Costs					.00
	<b>Total for Object 7000</b>	<b>42,224.00</b>	<b>42,224.00</b>	<b>.00</b>	<b>.00</b>	<b>42,224.00</b>
	<b>Total for Fund 01 and Expense accounts</b>	<b>1,606,738.00</b>	<b>1,606,738.00</b>	<b>1,098,987.82</b>	<b>240,832.23</b>	<b>266,917.95</b>
<b>Fund 16 - FOREST RES</b>						
7211	Transfers of Pass-through Rev	270,349.00	270,349.00			270,349.00
7619	Other Authorized Interfund Tra	47,709.00	47,709.00			47,709.00
	<b>Total for Fund 16, Expense accounts and Object 7000</b>	<b>318,058.00</b>	<b>318,058.00</b>	<b>.00</b>	<b>.00</b>	<b>318,058.00</b>
	<b>Total for Org 001 - Sierra County Office of Education</b>	<b>1,924,796.00</b>	<b>1,924,796.00</b>	<b>1,098,987.82</b>	<b>240,832.23</b>	<b>584,975.95</b>



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

**RECEIVED**

September 11, 2015

SEP 18 2015

SCOE  
S-PJUSD

Merrill Grant, Ed.D., Superintendent  
Sierra County Office of Education  
Sierra-Plumas Joint Unified School District  
P.O. Box 955  
Loyalton, CA 96118

Dear Superintendent Grant:

Subject: 2015–16 County Office of Education and School District Budgets

Pursuant to California *Education Code (EC)* sections 1622(b) and 42127(c), we have examined your budgets to determine whether they comply with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allow your county office and school district to meet their financial obligations during the fiscal year, and are consistent with a financial plan that will enable them to satisfy their multiyear financial commitments. Based on our review, your July 1 budgets meet the above specified criteria and are approved.

We remind you that *EC* sections 1622(e) and 42127(h) specify that a county office of education or a school district must, no later than 45 days after the Governor signs the Budget Act, make available for public review any revisions in revenues and expenditures made to its budget to reflect the funding made available by that Budget Act.

We appreciate the submission of your budgets and await your First Interim Reports, which must be filed with our office no later than December 15, 2015. If you have any questions or concerns, please contact our office by phone at 916-322-1770.

Sincerely,

Peggy O'Guin, Administrator  
Financial Accountability and Information Services

PWO:mp

2015-0202a-46

cc: Rose Asquith, Business Manager

MINUTES OF THE REGULAR MEEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION  
September 8, 2015  
6:00 pm  
REGULAR SESSION

Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118  
This meeting was available for videoconferencing at Downieville School, Downieville, CA.

A. CALL TO ORDER

President TIM DRISCOLL called the meeting to order at 6:00pm.

B. ROLL CALL

PRESENT: Mr. Tim Driscoll, President  
Ms. Sharon Dryden, Vice President  
Ms. Patty Hall, Clerk  
Mr. Allen Wright, Member  
Mr. Mike Moore, Member

ABSENT: None

VACANT: None

C. FLAG SALUTE

D. APPROVAL OF THE AGENDA  
MOORE/HALL  
5/0

E. INFORMATION AND DISCUSSION ITEMS

1. Superintendent's Report
  - a. Chrome Book, Apps for Education, Google Classroom Support Services  
Megan Meschery will provide technology teaching skills to teachers. She will collapse a period of her teaching schedule to be available.
  - b. The Vocational Education Program will be increased to full time status.
  - c. State Superintendent of Public Instruction has approved the Local Control and Accountability Plan (LCAP) for the 2015-16 school year
2. Business Report
  - a. Board Report-Expenditures by Object 07/01/15 to 8/31/2015
3. Staff Reports (5 minutes)
4. SPTA Report (5 minutes)
5. Board Members' Report (5 minutes)

Sierra County Board of Education  
Regular Meeting Minutes  
September 8, 2015

6. **Public Comment** – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. Five minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. (Education Code [35145.5](#); Bylaw 9322; Government Code [54954.3](#))

- a. Current location
- b. Videoconference location

F. **CONSENT CALENDAR**

- 1. Approval of minutes of the Regular Board meeting held August 11, 2015, as corrected (President’s name).
- 2. Approval of bill warrants for month of August 2015  
HALL/WRIGHT  
5/0

G. **ACTION ITEMS**

- 1. New Business

1516-05 Adoption of Resolution No. 15-003, Adopting the Gann Limit  
WRIGHT/HALL  
ROLL CALL VOTE:  
DRISCOLL AYE  
DRYDEN AYE  
HALL AYE  
MOORE AYE  
WRIGHT AYE  
5/0

1516-06 Adoption of Unaudited Actuals for Fiscal Year End June 30, 2015  
Asquith reviewed the Unaudited Actuals with the board.  
WRIGHT/HALL  
5/0

**BOARD POLICIES AND ADMINISTRATIVE REGULATIONS**

MOORE motioned to approve items 1516-07 through 1516-11/HALL seconded.  
5/0

1516-07 Administrative Regulation 5121, Grades/Evaluation of Student Achievement, revised

1516-08 Board Policy 5131.2, Bullying, revised

1516-09 Board Policy 6163.4, Student Use of Technology, revised

1516-10 *DELETE Administrative Regulation 6163.4, Student Use of Technology*



Sierra County Board of Education  
Regular Meeting Minutes  
September 8, 2015

1516-11 Board Bylaw 9100, Organization, revised

H. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on October 13, 2015, at Downieville School, 130 School Street, Downieville CA 95936, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm

2. Suggested Agenda Items

a. \_\_\_\_\_

I. ADJOURNMENT

Adjourned at 6:26pm.

DRYDEN/HALL

5/0

\_\_\_\_\_  
Patty Hall, Clerk

\_\_\_\_\_  
Dr. Merrill M. Grant, Superintendent  
Secretary of the Board of Education

Checks Dated 09/01/2015 through 09/30/2015

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00014225	09/04/2015	ALPINE FIRE SERVICES, INC. SALES AND SERVICE	01-5600	FIRE EXTINGUISHER INSPECTION AND REPAIR		65.86
00014226	09/04/2015	COUNTY OF SIERRA	01-9500	TRACK PROJECT		902.53
00014227	09/04/2015	MERRILL GRANT	01-5200	PER DIEM/MILEAGE		330.00
00014228	09/04/2015	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		66.39
00014229	09/04/2015	BARBARA MCKURTIS	01-5810	CONTRACTED CONSULTANT AGREEMENT		1,789.20
00014230	09/04/2015	MIKE MOORE	01-5200	PER DIEM		28.75
00014231	09/04/2015	OFFICE DEPOT	01-4300	OFFICE SUPPLIES		282.72
00014232	09/04/2015	SIERRA COUNTY OFFICE OF ED.	01-5808	BANK SERVICE FEES		190.62
00014233	09/04/2015	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	SEP 15 HEALTH INSURANCE	2,506.00	
			76-9576	SEP 15 HEALTH INSURANCE	13,710.10	16,216.10
00014234	09/04/2015	U.S. BANK	01-4300	SUPT. TRAVEL EXPENSES	12.01	
			01-5200	SUPT. TRAVEL EXPENSES	478.52	
			01-5899	SUPT. TRAVEL EXPENSES	159.47	650.00
00014235	09/04/2015	VOYAGER	01-4350	FUEL EXPENSE	97.54	
			01-5200	FUEL EXPENSE	98.95	
			01-5899	FUEL EXPENSE	310.83	507.32
00014236	09/04/2015	ALLEN WRIGHT	01-5200	PER DIEM	6.90	
			01-9500	PER DIEM	21.57	28.47
00014237	09/18/2015	GORDON BELL	01-4300	GARDEN PROJECT		69.83
00014238	09/18/2015	EVAN-MOOR PUBLICATION, DEPT ORDER PROCESS	01-4300	BOOKS		183.21
00014239	09/18/2015	JANIS HARDEMAN	01-5810	NURSE SERVICES		2,940.00
00014240	09/18/2015	HOLIDAY INN HOTEL	01-5200	HOTEL ACCOMODATIONS		198.00
00014241	09/18/2015	LES SCHAWB	01-4350	VEHICLE SERVICE	70.21	
			01-5600	VEHICLE SERVICE	35.11	
			01-5899	VEHICLE SERVICE	35.11	140.43
00014242	09/18/2015	OFFICE DEPOT	01-4300	OFFICE SUPPLIES		208.53
00014243	09/18/2015	QUILL CORPORATION	01-4300	SUPPLIES		29.01
00014244	09/18/2015	STAR AUTISM SUPPORT	01-4300	CLASSROOM SUPPLIES		411.25
00014245	09/18/2015	WORKABILITY REGION 4 SHAWNA PACHECO	01-5200	REGISTRATION		150.00
00014246	09/18/2015	ALLEN WRIGHT	01-5200	PER DIEM		21.57
<b>Total Number of Checks</b>					<b>22</b>	<b>25,409.79</b>

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.

ESCAPE ONLINE

Checks Dated 09/01/2015 through 09/30/2015

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
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**Fund Summary**

<u>Fund</u>	<u>Description</u>	<u>Check Count</u>	<u>Expensed Amount</u>
01	County School Service Fund	22	11,699.69
76	Payroll Clearing	1	13,710.10
	Total Number of Checks	<b>22</b>	25,409.79
	Less Unpaid Sales Tax Liability		.00
	<b>Net (Check Amount)</b>		<b>25,409.79</b>

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.

ESCAPE ONLINE

P. O. Box 955  
109 Beckwith Road  
Loyalton, California  
96118

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SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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Phone: (530) 993-1660  
FAX: (530) 993-0828  
<http://www.sierracountyofficeofeducation.org/>

## NOTICE OF PUBLIC HEARING

### **The Sierra County Office of Education and the Sierra-Plumas Joint Unified School District Governing Board**

will hold public hearings at respective meetings on **Tuesday, October 13, 2015**,  
6:00 pm at Downieville School, 130 School Street, Downieville CA 95936,

for the purpose of

**receiving public comment on textbooks or instructional materials, or both,  
in each subject that is consistent with the content and cycles of the  
curriculum framework adopted by the State board.**

**The Governing Board will also make a determination as to the availability  
of laboratory science equipment as applicable to science laboratory  
courses offered in grades 9 to 12 inclusive (Education Code 60119).**

The Sierra-Plumas Joint Unified School District will determine through a resolution  
that they have adhered to all laws and regulations regarding the expenditure of  
instructional materials funding.

California Education Code § 60119.

(1) (A) The governing board of a school district shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 or 60605.8 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

- (i) Mathematics.
- (ii) Science.
- (iii) History-social science.
- (iv) English language arts, including the English language development component of an adopted program.

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Dr. Merrill M. Grant  
Superintendent of Schools  
October 1, 2015

Posted 10/1/2015 at:

Loyalton Elementary School  
Loyalton High School  
Downieville School  
Sierra County Office of Education/  
Sierra-Plumas Joint Unified School District Office  
[www.sierracountyofficeofeducation.org](http://www.sierracountyofficeofeducation.org)

# SIERRA COUNTY OFFICE OF EDUCATION

## RESOLUTION NO. 15-004

### SUFFICIENCY OF TEXTBOOKS OR INSTRUCTIONAL MATERIALS

**WHEREAS**, the Sierra County Board of Education, in order to comply with the requirements of Education Code 60119, held a public hearing on October 15, 2015, at 6 o'clock, which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

**WHEREAS**, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the County stating the time, place, and purpose of the hearing, and;

**WHEREAS**, the Board encouraged participation by parents/guardians, teachers, members, of the community, and bargaining unit leaders in the public hearing, and;

**WHEREAS**, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Sierra County Office of Education, and;

**WHEREAS**, "instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Each student, including English learners, will have a textbook or instructional materials, or both, to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

**WHEREAS**, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycle and content of the curriculum frameworks in the following subjects;

#### Mathematics

Saxon - Math K-4, Grades K, 1, 2, 3

Macmillan/McGraw-Hill/Glencoe - California Mathematics, Grades 4-7

Prentice Hall - Geometry, Grades 8-12

Prentice Hall - Pre-Algebra, Grades 8-12

Glencoe - Algebra I, Grades 8-12

Glencoe - Algebra II, Grades 8-12

Houghton Mifflin - Pre Calculus

*Newly Adopted for 2015-16:*

Mathematics, Course 2, Common Core

Mathematics, Course 3, Common Core

Geometry, Common Core

Algebra 1, Common Core, CA

Algebra 2, Common Core, CA

Calculus, AP Edition

Calculus, Graphical, Numerical, Algebraic,

5<sup>th</sup> Edition

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**WHEREAS**, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes, and;

**WHEREAS**, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive.

**THEREFORE, IT IS RESOLVED THAT** for the 2015-2016 school year, the Sierra County Office of Education has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

**PASSED AND ADOPTED** at a regular meeting of the Sierra County Board of Education held on October 13, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- VACANT:

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Patty Hall, Clerk

# POLICY GUIDE SHEET

July 2015

Page 1 of 3

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

## **BP/AR 0420 - School Plans/Site Councils**

(BP/AR revised)

Policy and regulation updated to reflect requirements to align the district's local control and accountability plan with the strategies in each school's single plan for student achievement (SPSA) and the repeal of certain categorical programs that had been included in the state's consolidated application. Policy clarifies the continuing need for schools participating in specified state or federal categorical programs to develop the SPSA.

## **BP/AR 1312.3 - Uniform Complaint Procedures**

(BP/AR revised)

Policy and regulation updated to reflect California Department of Education (CDE) compliance requirements for 2015-16 school year. Regulation also clarifies timeline for filing complaints regarding student fees and reflects **NEW OFFICE FOR CIVIL RIGHTS GUIDANCE** recommending that districts use web sites and social media to post nondiscrimination notices, policies, and procedures and contact information for compliance officer(s).

## **BP/AR/E 4040 - Employee Use of Technology**

(BP revised; AR deleted; E added)

Policy updated to delete outdated section on use of cell phone or mobile communications device, clarify that use of a password does not give an employee a reasonable expectation of privacy, and add material formerly in AR re: accessing/posting harmful matter and employees' responsibility to report security problems or misuse of district technology. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

## **BP 4131 - Staff Development**

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for certificated employees to evaluate professional learning opportunities offered by the district based on specified criteria.

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

(AR revised)

Regulation updated to reflect **NEW TITLE 2 REGULATIONS** (Register 2015, No. 17) which retitle, renumber, and amend certain provisions implementing the California Family Rights Act, including the definition of "serious health condition," medical certification of the need for the leave, and refusal to reinstate an employee if the leave was fraudulently obtained by the employee. Renumbered Title 2 regulations related to pregnancy disability leave and other legal cites updated throughout the AR. Regulation also reflects **NEW LAW** (SB 1306, 2014) which revises the definition of marriage and thus affects the definition of "spouse."

## **BP 4231 - Staff Development**

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for classified employees involved in the direct instruction of students to evaluate professional learning based on specified criteria.

## **POLICY GUIDE SHEET**

**July 2015**

**Page 2 of 3**

### **AR 5121 - Grades/Evaluation of Student Achievement**

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 2160, 2014) which requires districts to submit the grade point average (GPA) of students in grade 12 to the Cal Grant program. Revised regulation condenses material prohibiting lowering of a foster youth's grades for absences due to a change in placement or specified court-related activities, also addressed in BP 6173.1 - Education for Foster Youth. Regulation also replaces two options regarding grading for repeated classes with optional language that the highest grade received will be used in calculating the GPA.

### **BP 5131.2 - Bullying**

(BP revised)

Policy updated to clarify the appropriate use of the uniform complaint procedures (UCP) in cases of nondiscriminatory bullying. As revised, the policy provides that the UCP be used to investigate all instances of bullying, but that conduct determined to be nondiscriminatory bullying then be resolved in accordance with the district's student discipline policies and procedures.

### **BP/AR 5148 - Child Care and Development**

(BP/AR revised)

Policy updated to expand optional priorities for child care services to include children of district students, expand examples of methods to provide facilities for child care services, and add new section on "Complaints." Regulation updated to reflect **NEW LAW** (AB 1944, 2014) which deletes the requirement for parents/guardians of a child age 11-12 to certify in writing that they need child care services because a before-school or after-school program is unavailable. Regulation also revised to clarify eligibility for subsidized services, reflect the new fee schedule that went into effect July 1, 2014, provide for reassessment of fees when a family is recertified or experiences a change in status, and reflect renumbering of legal cites.

### **BP/AR 5148.2 - Before/After School Programs**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 1221, 2014) which requires before/after school programs to submit program attendance reports on a semi-annual basis and to use a program quality improvement process that is based on standards developed by the CDE. Policy also adds material on qualifications of staff and volunteers, the preferred placement of students ages 11-12 in a before/after school program rather than subsidized child care services, and timelines for review and maintenance of the program plan. Regulation also revised to clarify applicable grade levels for the 21st Century Community Learning Center program, reflect funding priorities used by the CDE, add material on summer programs, and reflect law authorizing a full meal to be served in after-school programs.

### **BP/AR 5148.3 - Preschool/Early Childhood Education**

(BP/AR revised)

Policy and regulation updated to reflect the mandate for districts offering California State Preschool Program (CSPP) programs to develop written admissions policies and procedures with specified components. Policy also updated to reflect **NEW LAW** (SB 858, 2014) which (1) authorizes districts to use a portion of a reserve fund for purposes of staff development for CSPP instructional staff and (2) establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Regulation updated to reflect provisions of SB 858 that grant second priority for enrollment to four-year-old children who are not enrolled in a transitional kindergarten (TK) program. Regulation also reflects the applicability to CSPP programs of specified requirements for general child care and development programs, reflects CDE guidance regarding four-year-olds who are eligible for both CSPP and TK programs, and adds material on staffing ratios, parent/guardian notification of approval or denial of enrollment, and maintenance of a family data file.



## **POLICY GUIDE SHEET**

**July 2015**

**Page 3 of 3**

### **BP/AR/E 6163.4 - Student Use of Technology**

(BP revised; AR deleted; E added)

Policy updated to clarify circumstances under which districts may lawfully search students' personally owned devices, delete outdated prohibition against use of district technology to access social networking sites, and include material formerly in AR re: appropriate student conduct when using the Internet or other electronic communications. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

### **BB 9100 - Organization**

(BB revised)

Bylaw updated to clarify the time periods during which the annual organizational meeting must be held pursuant to law and to expand items to be addressed during the meeting to include a review of resources on board governance and leadership roles and responsibilities.

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Family Care And Medical Leave

AR 4161.8, 4261.8, 4361.8

#### Personnel

The district shall not ~~interfere with, restrain, or deny~~ ~~the exercise or attempted exercise by~~ any eligible employee of his/her right to ~~any~~ family care ~~and~~ medical ~~leave~~, or pregnancy disability leave (PDL) ~~provided through pursuant to~~ the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA), ~~nor~~ or restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against any employee for his/her involvement in any inquiry or proceeding related to any ~~him/her for taking such~~ leave ~~under any of these laws or~~ for his/her opposition to or challenge of any unlawful district practice in relation to any ~~rights granted by any of these laws~~ or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

#### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child ~~of a person standing to whom the employee stands~~ in loco parentis, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. - However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is ~~unable~~: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or to other persons; ~~or who is suffering~~

2. Suffering from severe "morning sickness" or needs to take time off for ~~any pregnancy related condition including, but not limited to~~; prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, ~~post partum~~ postpartum depression, childbirth, loss or end of pregnancy, ~~or~~ recovery from childbirth or loss or end of pregnancy. ~~(2 CCR 7291.2), or any other pregnancy-related condition~~

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. -Parent does not include a spouse's parents. (Government Code 12945.2; ~~2 CCR 7297.01~~ 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury; ~~(including, but not limited to, on-the-job injuries)~~, impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC

2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300. ~~In addition, for purposes of CFRA, including same sex partners in marriage, or a registered domestic partner shall have within the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child meaning of Family Code 297-297.5. a registered domestic partner.~~ (Family Code 297, 297.5, 300; 2 CCR ~~7297.011087~~; 29 CFR 825.122)

Eligibility

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (~~Family Code 297.5~~; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

- 1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (baby bonding)
- 2. To care for the employee's child, parent, or spouse with a serious health condition
- 3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
- 4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
- 5. To care for a covered servicemember with a serious injury or illness if the ~~employee covered servicemember~~ employee's spouse, child, parent, or next of kin, as defined, ~~of the servicemember~~

In addition, the district shall grant PDL to any pregnant female employee PDL during pregnancy, when she who is disabled by pregnancy, childbirth, or any other related medical condition. (Government Code 12945; 2 CCR ~~7291.411037~~)

## Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

In addition, for each pregnancy, any female employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR ~~7291.911042~~)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy.- At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of her child, if or to bond with or care for the child has been born by this date (e.g., baby bonding), whether or not she or the child has a serious health condition or disability. ~~To the extent allowed by law, CFRA and FMLA leaves shall run concurrently.~~ (Government Code 12945, 12945.2; 2 CCR ~~7291.13, 7297.6~~) 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. -Such leave does not need to be taken in one continuous period of time. ~~The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions.~~ (2 CCR ~~7297.311090~~; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply whether regardless of the parents are married, not married, or registered domestic partners legal status of both parents' relationship. (Government Code 12945.2; 2 CCR ~~7297.111088~~; 29 USC 2612)

## Use/Substitution of Paid Leave

An employee shall substitute use his/her accrued vacation leave, other accrued time off, and any other paid ~~or unpaid~~ time off negotiated with the district for any otherwise unpaid FMLA or CFRA leave not involving his/her own serious health condition ~~or pregnancy disability.~~ For ~~the employee's~~ PDL, CFRA, or FMLA ~~or CFRA~~ leave due to his/her an employee's own serious health condition, the employee shall use accrued sick leave pursuant to the collective bargaining agreement and/or Board policy and and may use accrued vacation leave and other paid ~~or unpaid~~ time off at his/her option. (Government Code 12945, 12945.2; 2 CCR ~~7291.111044~~; 29 USC 2612)

The district and employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

## Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. -However, the district may shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave, provided it is not to be greater than one hour. (2 CCR ~~7291.9, 7297.311042, 11090~~; 29 USC 2612)

The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of ~~the~~ medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is foreseeable based on his/her planned medical treatment or that of a family member. ~~This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 7291.8, 7297.3, 11041, 11090; 29 USC 2612)~~

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Request for Leave

~~An employee shall provide at least verbal notice sufficient to make the district aware of the need to take PDL or family care and medical leave and the anticipated timing and duration of the leave. (2 CCR 7291.17, 7297.4)~~

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement; ~~however.~~ However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 7297.4, 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. ~~(2 CCR 7297.4) Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)~~

When an employee is able to foresee the need for the PDL or family care and medical leave is foreseeable at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. ~~The Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)~~

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 7291.17, 7297.4, 11050, 11091)

~~When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. (2 CCR 7291.17, 7297.4)~~

## Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. -Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR ~~7297.411091~~; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR ~~7297.011087~~; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision ~~of the child, parent, or spouse~~
  - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (~~2 CCR 11091~~; 29 CFR 825.301)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. -If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. -If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. -The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR ~~7291.1711050~~)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. -When this is not practicable, the employee shall provide the certification within the

time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR ~~7291.171~~1050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR ~~7291.171~~1050)

~~The Superintendent or designee shall not request any genetic information, as defined in 42 USC 2000ff, from any employee or his/her family member except as necessary to comply with a certification requirement for PDL or FMLA/CFRA leave purposes or with the prior written authorization of the employee. Any such genetic information received by the district shall be kept confidential in accordance with law. (42 USC 2000ff 1, 2000ff 5)~~

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR ~~7291.171~~1050; 29 USC 2613)

The Superintendent or designee shall not request any genetic information Fitness for Duty Certification/ related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

#### Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work.

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

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

#### Rights to Reinstatement

Upon granting an employee's request for PDL or ~~family care and medical~~FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR ~~7291.101~~1043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from ~~family care and medical~~FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The district may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR ~~7291.1011043~~)

#### Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL ~~or~~ and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment

after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR ~~7291.111044, 11092~~; 29 USC 2614; 29 CFR 825.213)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not ~~be required to~~ make plan payments for an employee during any unpaid portion the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR ~~7291.111044, 11092~~)

#### Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during ~~the~~ each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or ~~call to covered active duty status for one or more qualifying exigencies.~~ (29 USC 2612; 29 CFR 825.126)

~~Military member means an employee's spouse, son, daughter, or parent on covered active duty or on~~ call to covered active duty status. (~~29 USC 2612; 29 CFR 825.126~~)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment (~~of~~ up to seven calendar days from the date of receipt of call or order of short notice deployment)
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange ~~child care~~ child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings



4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting ~~such~~ leave for ~~the first time~~ qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. ~~In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.~~

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

#### Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date ~~of the~~ leave is taken, to ~~an eligible employee to care~~

for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, ~~an~~ the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a.- A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
  - b.- A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
  - c.- A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
  - d.- An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. -An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. -When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

#### Notifications

The Superintendent or designee shall provide the following notifications ~~about~~regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR ~~7291.16, 7297.9~~11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need ~~for the leave~~ is reasonably foreseeable: at least 30 days prior to the start of the leave. (2 CCR ~~7291.17, 7297.4~~11050, 11091)

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

2. Eligibility Notice:- When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR ~~7291.16~~11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. -Such notice shall include, as ~~appropriate~~applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to ~~substitute~~use paid leave, whether the district will require ~~substitution~~use of paid leave, conditions related to any ~~substitution~~use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. ~~—If applicable, the~~The employee's status as a "key employee," ~~if applicable~~, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f.- The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

—Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice:- When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (~~2 CCR 11091~~; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by

the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be ~~substituted for~~ used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a ~~fitness for duty~~ release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. ~~(2 CCR 11091, 11097; 29 CFR 825.300)~~

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

### Legal Reference:

#### EDUCATION CODE

44965 Granting of leaves of absence for pregnancy and childbirth

#### FAMILY CODE

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Validity of marriage

#### GOVERNMENT CODE

12926 Fair employment and housing act, definitions

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

12946 Fair Employment and Housing Act: discrimination prohibited

#### CODE OF REGULATIONS, TITLE 2

~~7291.2-7291.17~~ 11035-11051 Sex discrimination: pregnancy, childbirth and related medical conditions

~~7297.0-7297.11~~ 11087-11098 California Family ~~care leave~~ Rights Act

#### UNITED STATES CODE, TITLE 1

7 Definition of marriage

#### UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

#### UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

#### CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

#### COURT DECISIONS

United States v. Windsor, (2013) 699 F.3d 169

~~Re Marriage Cases, (2008) 43 Cal.4th 757~~

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

### Management Resources:

#### FEDERAL REGISTER

The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages 8903-8947

#### U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

#### WEB SITES

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

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

## Policy

adopted: April 10, 2007

revised: November 12, 2013

revised: October 13, 2015

## SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans BP 0420(a)

### SCHOOL PLANS/SITE COUNCILS

~~The Board of Education believes that comprehensive planning at each district school is necessary~~

The Governing Board believes that comprehensive planning that is aligned with the district's local control and accountability plan (LCAP) is necessary at each school, in order to focus school improvement efforts on student academic achievement and facilitate the effective use of ~~district~~available resources.- The Superintendent or designee shall ensure that school plans provide clear direction and identify cohesive strategies aligned with school and district goals.

*(cf. 0000 - Vision)*

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

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

Each district school shall establish a school site council in accordance with Education Code 52852 and the accompanying administrative regulation to develop, review, and approve school plans.

For any school that participates in specified state and/or federal categorical programs, ~~the Superintendent shall ensure that~~ the school site council or other schoolwide advisory committee shall consolidate the plans required for those categorical programs into a single plan for student achievement (SPSA). (Education Code ~~52055.755,~~ 64001)

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1431 - Waivers)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6190 - Evaluation of the Instructional Program)*

As appropriate, a school may incorporate any other school ~~plan~~program into the SPSA. (Education Code 64001)

The Superintendent or designee shall review each school's SPSA to ensure that it meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and its students. ~~-He/she shall submit to also ensure that specific actions included in the Board his/her recommendations for plan approval or revision~~district's LCAP are consistent with the strategies identified in each school's SPSA.

The Board shall, at a regularly scheduled Board meeting, review and approve each school's SPSA and any subsequent material revisions affecting the academic programs for students participating in the categorical programs addressed in the SPSA. -The Board shall certify that, to the extent allowable under

federal law, the SPSA is consistent with district local improvement plans required as a condition of receiving federal funding. ~~Any such review and approval shall be at a regularly scheduled Board meeting.~~ (Education Code 64001)

Whenever the Board does not approve a school's SPSA, it shall communicate its specific reasons for disapproval of the plan to the school site council or committee. The school site council or committee shall then revise and resubmit the SPSA to the Board for its approval. (Education Code 52855)

The Superintendent or designee may provide school administrators and school site council members receive training on the roles and responsibilities of the site council.

*Legal Reference:*

EDUCATION CODE

52-53 Designation of schools

33133 Information guide for school site councils

35147 Open meeting laws exceptions

52060-52077 Local control and accountability plan

52176 Advisory committees

52852 School-Based Program Coordination Act site councils

54000-54028 Educationally Disadvantaged Youth Programs

54425 Advisory committees (compensatory education)

56000-56867 Special education

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

3930-3937 Compliance plans

UNITED STATES CODE, TITLE 20

6311 Accountability, adequate yearly progress

6312-6319 Title I programs; plans

6421-6472 Programs for neglected, delinquent, and at-risk children and youth

6601-6651 Teacher and Principal Training and Recruitment program

6801-7014 Limited English proficient and immigrant students

7101-7165 Safe and Drug-Free Schools and Communities

7341-7355c Rural Education Initiative

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, February 2013

WEST ED PUBLICATIONS

California Healthy Kids Survey

California School Climate Survey

WEB SITES

California Department of Education, Single Plan for Student Achievement:

<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>

U.S. Department of Education: <http://www.ed.gov>

WestEd: <http://www.wested.org>

Policy

adopted: April 10, 2007

revised: September 10, 2013

revised: October 13, 2015

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### ~~School Plans/Site Councils~~

~~AR 0420~~

### ~~Philosophy, Goals, Objectives, and Comprehensive Plans~~

### ~~School Site Councils~~

~~School site councils shall be established when required for participation in AR 0420 (a categorical program. (Education Code 52852, 64001)~~

## SCHOOL PLANS/SITE COUNCILS

### School Site Councils

~~Each school shall have a school site council (cf. 0420.1—School Based Program Coordination)~~

~~The school site council shall be~~ composed of the following: (Education Code 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel selected by the school's other personnel
4. Parent/guardian representatives, who may include parents/guardians of students attending the school and/or community members, selected by parents/guardians of students attending the school
5. If the school is a secondary school, students attending the school selected by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. -For an elementary school site ~~councils~~council, the remaining half shall be parent/guardian representatives. -For a secondary school site ~~councils~~council, the remaining half shall be equal numbers of parent/guardian representatives and students. (Education Code 52852)

A district employee may serve as a parent/guardian representative on the school site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

The bylaws of each school site council shall include the method of selecting members and officers, terms of office, responsibilities of council members, time commitment, and a policy of nondiscrimination.

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, ~~52870~~, 54425; 5 CCR 3932)

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

*(cf. 1220 - Citizen Advisory Committees)*

### **Single Plan for Student Achievement**

Any district school ~~to that shall~~ participate in any state or federal categorical program specified in Education Code ~~52055.700 or~~ 64000 on an ongoing basis, the shall have a school site council which shall approve and annually review and update a single plan for student achievement (SPSA). If the school does not have a school site council, these responsibilities shall be fulfilled by a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed in the section "School Site Councils" above. (Education Code ~~52055.755~~, 64001)

~~(cf. 0450 - Comprehensive Safety Plan)~~

~~(cf. 0520.4 - Quality Education Investment Schools)~~

~~(cf. 1431 - Waivers)~~

~~(cf. 3513.3 - Tobacco-Free Schools)~~

~~(cf. 4131 - Staff Development)~~

~~(cf. 5147 - Dropout Prevention)~~

~~(cf. 6020 - Parent Involvement)~~

~~(cf. 6142.91 - Reading/Language Arts Instruction)~~

~~(cf. 6151 - Class Size)~~

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

~~(cf. 6171 - Title I Programs)~~

~~(cf. 6174 - Education for English Language Learners)~~

~~(cf. 6184 - Continuation Education)~~

The SPSA shall be developed with the review, advice, and certification of any applicable school advisory committees. (Education Code 64001)

Such groups may include, but are not limited to, a parent advisory committee established to review and comment on the district's local control and accountability plan (LCAP); advisory committees established for ~~categorical programs such as~~ English learner, and special education, ~~gifted and talented education, and Economic Impact Aid~~ programs; Western Association of Schools and Colleges leadership teams; district or school liaison teams for schools identified for program improvement; and other committees established by the school or district.

(cf.



*0460 - Local Control and Accountability Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

~~*(cf. 6172 - Gifted and Talented Student Program)*~~

*(cf. 6190 - Evaluation of the Instructional Program)*

The SPSA shall be aligned with the district's LCAP and school goals for improving student achievement. School goals shall be based on an analysis of verifiable state data, ~~including the Academic Performance Index (API) and the California English Language Development Test identified pursuant to law~~, and may consider any other data developed by the district to measure student achievement. (Education Code 52062, 64001)

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

~~*(cf. 6162.51 - Standardized Testing and Reporting Program)*~~ *State Academic Achievement Tests)*

*(cf. 6162.52 - High School Exit Examination)*

The SPSA shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through specified categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by ~~the API law~~

2. Identify the means of evaluating the school's progress toward accomplishing those goals

Identify how state and federal law governing the categorical programs will be implemented

In addition to meeting the requirements common to all applicable school plans, the SPSA shall address any content required by law for each individual categorical program in which the school participates.

In developing or revising the SPSA, the school site council or other schoolwide advisory group or school support group shall:

1. Analyze student achievement data. Using measures of student academic performance, the school shall identify significant patterns of low performance in particular content areas, student groups, and/or individual students and determine which data summaries to include in the plan as most informative and relevant to school goals.

2. Assess the effectiveness of the school's instructional program in relation to the analysis of student data.

3. Identify a limited number of achievement goals and key improvement strategies to achieve the goals. School goals shall reflect the needs identified at the school site while aligning with goals identified in federally required district plans. The school shall specify the student group(s) on which each goal is focused, the methods or practices that will be used to reach the goal, and the criteria that will be used to determine if the goal is achieved.

4. Define timelines, personnel responsible, proposed expenditures, and funding sources to implement the SPSA.

The school site council or other schoolwide group shall approve the proposed SPSA at a meeting for which public notice has been posted and then submit the SPSA to the Governing Board of Education for approval. (Education Code 35147, 64001)

The school site council or other schoolwide group shall regularly monitor the implementation and effectiveness of the SPSA and modify any activities that prove ineffective. -At least once per year, the ~~school principal or designee~~ shall evaluate results of improvement efforts and report to the Board, school site council, advisory committees, and other interested parties regarding progress toward school goals.

The school site council or other schoolwide group may amend the SPSA at any time. Any revisions that would substantively change the academic programs funded through the consolidated application shall be submitted to the Board for approval.

Policy

adopted: April 10, 2007

revised: September 10, 2013

revised: October 13, 2015

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

**EMPLOYEE USE OF TECHNOLOGY****ACCEPTABLE USE AGREEMENT AND RELEASE  
OF SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT FROM LIABILITY  
(EMPLOYEES)**

The Sierra-Plumas Joint Unified School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

**Definitions**

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

**Employee Obligations and Responsibilities**

Employees are expected to use district technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification,

or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

### **Privacy**

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

### **Personally Owned Devices**

If an employee uses a personally owned device to access district technology or conduct district business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any

communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

**Records**

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

**Reporting**

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the Superintendent or designee.

**Consequences for Violation**

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

**Employee Acknowledgment**

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
(Please print)

School/Work Site: \_\_\_\_\_

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

# Sierra County/Sierra-Plumas Joint USD

Personnel

BP 4040

## EMPLOYEE USE OF TECHNOLOGY

The Governing Board of Education recognizes that technological resources ~~can~~ enhance employee performance by ~~improving access to and exchange of information,~~ offering effective tools to assist in providing a quality instructional program, ~~and;~~ facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive training professional development in the appropriate use of these resources.

*(cf. 0440 - District Technology Plan)*

*(cf. 1100 - Communication with the Public)*

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

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

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Employees shall be responsible for the appropriate use of technology and shall use ~~the district's technological resources only~~ district technology primarily for purposes related to their employment. ~~Such use is a privilege which may be revoked at any time.~~

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

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

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

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

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

~~Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or district operations without authority.~~

*(cf. 6163.4 - Student Use of Technology)*

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future

technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee may establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that ~~prevents~~ protects against access to visual depictions that are obscene ~~or~~ child pornography, or harmful to minors and that the operation of such measures is enforced.- The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use of the system, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, employee usage of district technology at any time without advance notice or consent. If passwords are and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used, they must be known to the Superintendent or designee so that he/she may have system access to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request in accordance with law.

The Employees shall report any security problem or misuse of district technology to the Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources.

Inappropriate use ~~shall~~ of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative ~~regulations~~ regulation.

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

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

~~The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the district's technological resources. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.~~

*Legal Reference: (see next page)*

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

~~In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.~~

*Legal Reference:*

EDUCATION CODE

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy

adopted: April 10, 2007

revised: October 10, 2015

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Sierraville, California  
Loyalton, Califor



# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Community Relations

AR 1312.3

### UNIFORM COMPLAINT PROCEDURES

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

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

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

### Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. -The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Dr. Merrill M. Grant  
 Superintendent  
 P. O. Box 958  
 109 Beckwith Road,  
 Loyalton CA 96118  
 530 993-1660 Ext. \*837  
 mgrant@spjUSD.org

The compliance officer who receives a complaint may assign ~~an administrative employee as another~~ compliance officer to investigate and resolve the complaint. -The compliance officer shall promptly notify the complainant if another compliance officer is ~~designated~~assigned to ~~investigate~~ the complaint.

In no instance shall a compliance officer be ~~designated~~assigned to ~~investigate~~ a complaint ~~if in which~~ he/she ~~is mentioned in the complaint or~~ has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint ~~filed~~ against or implicating a compliance officer may be filed with the Superintendent or designee.

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

(such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures.

Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 4331 - Staff Development)*  
*(cf. 9124 - Attorney)*

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

### **Notifications**

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

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 3260 - Fees and Charges)*  
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*  
*(cf. 5145.6 - Parental Notifications)*

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal ~~discrimination~~ antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination- (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a.-        The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation, or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination.- The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
  - e. The Board is required to adopt and annually update ~~a local control and accountability plan (LCAP),~~ the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
  - f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
  - g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - h. Copies of the district's UCP are available free of charge.

### **District Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

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

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

### **Filing of ~~Complaint~~ Complaints**

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. ~~(Education Code 49013, 52075)~~ A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination, ~~including (such as~~ discriminatory harassment, intimidation, or bullying, ~~)~~ may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. ~~The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination.~~ The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an

investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. ~~When honoring a request for confidentiality, the district will~~ shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### **Mediation**

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

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

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

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

### **Investigation of Complaint**

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

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. ~~He/she~~ shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To ~~resolve~~investigate a complaint alleging retaliation, ~~or~~ unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. ~~This standard is met if the allegation is more likely to be true than not.~~

### **Report of Findings**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report ~~of the district's investigation and decision~~, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

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

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

### **Final Written Decision**

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f.- Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, ~~including (such as~~ discriminatory harassment, intimidation, or bullying~~);~~, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

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

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed

- e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600
- \_\_\_\_\_ For complaints of unlawful discrimination, ~~including (such as~~ discriminatory harassment, intimidation, or bullying~~;~~), the notice may, as required by law, include:
- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
  - b. Individual remedies offered or provided to the subject of the complaint
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

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

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. ~~Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies;~~ training for faculty, staff, and students; updates to school policies; or school climate surveys.



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

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

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

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

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

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

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. -The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation

approved: April 10, 2007  
 revised: September 11, 2012  
 revised: February 12, 2013  
 revised: February 11, 2014  
 revised December 9, 2014

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 SIERRA COUNTY OFFICE OF EDUCATION  
 Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Exhibit

### Uniform Complaint Procedures

E 1312.3

#### Community Relations

#### ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP) 2013-14

For students, employees, parents/guardians, school and district advisory committee members, appropriate private school officials, and other interested parties

The Sierra-Plumas Joint Unified School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs and the charging of unlawful pupil fees.

The Sierra-Plumas Joint Unified School District shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board. Unlawful discrimination, harassment, intimidation, or bullying complaints may be based on actual or perceived age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

Consolidated Categorical Aid Programs  
 Career Technical and Technical Education and Training Programs  
 Child Care and Developmental Programs  
 Child Nutrition Programs  
 Special Education Programs

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints other than complaints relating to pupil fees must be filed in writing with the following compliance officer:

Superintendent  
P. O. Box 955  
109 Beckwith Road  
Loyalton CA 96118  
530-993-1660 x \*837

Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees.

Complaints alleging noncompliance with the LCAP, which the Board is required to adopt and annually update in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP, shall be filed with the above compliance officer.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to Board Policy 1312.3.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with 5CCR 4680-4687 and in accordance with local procedures adopted under 5CCR 4621.

The complainant has a right to appeal Sierra-Plumas Joint Unified School District's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving Sierra-Plumas Joint Unified School District's Decision. The appeal must include a copy of the complaint filed with Sierra-Plumas Joint Unified School District and a copy of Sierra-Plumas Joint Unified School District's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code 262.3. A complainant may pursue available civil law remedies outside of Sierra-Plumas Joint Unified School District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

A copy of the Sierra-Plumas Joint Unified School District's UCP policy and complaint procedures shall be available free of charge from the Sierra-Plumas Joint Unified School District Office, P. O. Box 958 (109 Beckwith Road), Loyalton, CA, 96118.

UCP Policy and Procedures 1312.3 were adopted by the SPJUSD Governing Board on ~~February 11~~ October 13, 2015.

Exhibit \_\_\_\_\_ SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
version: February 11, 2014 \_\_\_\_\_ SIERRA COUNTY OFFICE OF EDUCATION  
revision: October 13, 2015 \_\_\_\_\_ Loyalton, CA

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Community Relations

BP 1312.3

### UNIFORM COMPLAINT PROCEDURES

~~The Board of Education~~ The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. -To resolve complaints which cannot be resolved through such informal process, the Board shall adopt athe uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

2. Any complaint alleging the occurrence of unlawful discrimination, ~~including (such as discriminatory harassment, intimidation, or bullying, in district programs and activities)~~ against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

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

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

~~3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics~~

~~(cf. 5131.2 - Bullying)~~

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

*(cf. 3260 - Fees and Charges)*

*(cf. 3320 - Claims and Actions Against the District)*

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*

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

6. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. -One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

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

*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to -sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

48985 Notices in language other than English

49010-49013 Student fees

[49060-49079 Student records](#)  
[49490-49590 Child nutrition programs](#)  
[52060-52077 Local control and accountability plan, especially](#)  
[52075 Complaint for lack of compliance with local control and accountability plan requirements](#)  
[52160-52178 Bilingual education programs](#)  
[52300-52490 Career technical education](#)  
[52500-52616.24 Adult schools](#)  
[52800-52870 School-based program coordination](#)  
[54400-54425 Compensatory education programs](#)  
[54440-54445 Migrant education](#)  
[54460-54529 Compensatory education programs](#)  
[56000-56867 Special education programs](#)  
[59000-59300 Special schools and centers](#)  
[64000-64001 Consolidated application process](#)  
**GOVERNMENT CODE**  
[11135 Nondiscrimination in programs or activities funded by state](#)  
[12900-12996 Fair Employment and Housing Act](#)  
**PENAL CODE**  
[422.55 Hate crime; definition](#)  
[422.6 Interference with constitutional right or privilege](#)  
**CODE OF REGULATIONS, TITLE 5**  
[3080 Application of section](#)  
[4600-4687 Uniform complaint procedures](#)  
[4900-4965 Nondiscrimination in elementary and secondary education programs](#)  
**UNITED STATES CODE, TITLE 20**  
[1221 Application of laws](#)  
[1232g Family Educational Rights and Privacy Act](#)  
[1681-1688 Title IX of the Education Amendments of 1972](#)  
[6301-6577 Title I basic programs](#)  
[6801-6871 Title III language instruction for limited English proficient and immigrant students](#)  
[7101-7184 Safe and Drug-Free Schools and Communities Act](#)  
[7201-7283g Title V promoting informed parental choice and innovative programs](#)  
[7301-7372 Title V rural and low-income school programs](#)  
[12101-12213 Title II equal opportunity for individuals with disabilities](#)  
**UNITED STATES CODE, TITLE 29**  
[794 Section 504 of Rehabilitation Act of 1973](#)  
**UNITED STATES CODE, TITLE 42**  
[2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended](#)  
[2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964](#)  
[6101-6107 Age Discrimination Act of 1975](#)  
  
**CODE OF FEDERAL REGULATIONS, TITLE 28**  
[35.107 Nondiscrimination on basis of disability; complaints](#)  
**CODE OF FEDERAL REGULATIONS, TITLE 34**  
[99.1-99.67 Family Educational Rights and Privacy Act](#)  
[100.3 Prohibition of discrimination on basis of race, color or national origin](#)  
[104.7 Designation of responsible employee for Section 504](#)  
[106.8 Designation of responsible employee for Title IX](#)  
[106.9 Notification of nondiscrimination on basis of sex](#)  
[110.25 Notification of nondiscrimination on the basis of age](#)

*Management Resources:*

[U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS](#)  
[Dear Colleague Letter: Title IX Coordinators, April 2015](#)  
[Questions and Answers on Title IX and Sexual Violence, April 2014](#)  
[Dear Colleague Letter: Bullying of Students with Disabilities, August 2013](#)  
[Dear Colleague Letter: Sexual Violence, April 2011](#)  
[Dear Colleague Letter: Harassment and Bullying, October 2010](#)



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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

WEB SITES

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

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

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

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

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
SIERRA COUNTY OFFICE OF EDUCATION  
Sierraville, California

Policy

adopted: April 10, 2007

revised: August 10, 2010

revised: June 12, 2012

revised: February 12, 2013

revised: December 9, 2014

revised: October 13, 2015

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Student And Family Privacy Rights

AR 5022  
**Students**

#### Collection of Personal Information for Marketing or Sale

Personal information for marketing or sale means individually identifiable information, including a student's or parent/guardian's first and last name, home or other physical address (including street name and the name of the city or town), telephone number, or social security identification number. (20 USC 1232h)

District staff may administer or distribute to students a survey instrument that is designed for the purpose of collecting personal information for marketing or sale, provided that the instrument is administered in accordance with law.

Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.51 - Standardized Testing and Reporting Program)

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Surveys Requesting Information about Beliefs and Practices

### ACTIVE CONSENT

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

### PASSIVE CONSENT

This section applies to the administration of the California Healthy Kids Survey (CHKS) and any other survey or test consistent with California Education Code 51513; and 51938 and the federal Protection of Pupil Rights Act (PPRA), 20 USC 1232h.

- Notwithstanding applicable requirements stated in this policy, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)
- Parents/guardians are notified in writing at the beginning of the school year about the survey and when it is to be administered, and given a reasonable opportunity to review the survey and to decline their child's participation (opt out.) Such notice shall contain all the required elements specified in the CHKS Guidebook for protection of human subjects and in the federal Protection of Pupil Rights Act.
- Parents/guardians are notified of any substantive changes in survey policies, dates, or content that occur after the initial notification.

- Questions are not added to the survey that elicit reports of parental attitudes or behaviors or any other category that requires active consent under Education Code § 51513 but not exempted under Education Code §51938.
- Active consent (written parent/guardian authorization) must still be used if respondent data are linked to a respondent's name in any form or manner.

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

#### Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

#### Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

Notifications

- 1. The district's policy regarding student privacy
- 2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
- 3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical examinations or screenings
  - c. Collection of personal information from students for marketing or sale

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation \_\_\_\_\_ SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 \_\_\_\_\_ SIERRA COUNTY OFFICE OF EDUCATION  
 approved: April 10, 2007 \_\_\_\_\_ Sierraville, California  
 revised: May 10, 2011  
 revised: October 13, 2015 \_\_\_\_\_ Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Certificated

BP 4131

### STAFF DEVELOPMENT

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

*(cf. 6111 - School Calendar)*

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. ~~0420.1 - School Based Program Coordination~~)*

*(~~cf.~~ 0460 - Local Control and Accountability Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(~~cf.~~ ~~0520.4 - Quality Education Investment Schools~~)*

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards

*(cf. 6011 - Academic Standards)*

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

*(cf. 6142.2 - World/Foreign Language Instruction)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.5 - Environmental Education)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

*(cf. 6142.94 - History-Social Science Instruction)*

2. Use of effective, subject-specific teaching methods, strategies, and skills
3. Use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)  
 (cf. 4040 - Employee Use of Technology)  
 (cf. 6163.4 - Student Use of Technology)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English ~~language~~-learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

(cf. 4112.22 - Staff Teaching English Language Learners)  
 (cf. 4112.23 - Special Education Staff)  
 (cf. 5147 - Dropout Prevention)  
 (~~cf. 6141.5 - Advanced Placement~~)  
 (cf. 6171 - Title I Programs)  
 (cf. 6172 - Gifted and Talented Student Program)  
 (cf. 6173 - Education for Homeless Children)  
 (cf. 6173.1 - Education for Foster Youth)  
 (cf. 6174 - Education for English Language Learners)  
 (cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6178 - Career Technical Education)

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

(cf. 1240 - Volunteer Assistance)  
 (cf. 5020 - Parent Rights and Responsibilities)  
 (cf. 6020 - Parent Involvement)

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention

(cf. 5131 - Conduct)  
 (cf. 5131.2 - Bullying)  
 (cf. 5137 - Positive School Climate)  
 (cf. 5138 - Conflict Resolution/Peer Mediation)  
 (cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

(cf. 5121 - Grades/Evaluation of Student Achievement)  
 (cf. 6162.5 - Student Assessment)

10. Knowledge of topics related to student health, safety, and welfare

(cf. 0450 - Comprehensive Safety Plan)  
~~(cf. 5030 - Student Wellness)~~  
 (cf. 5131.6 - Alcohol and Other Drugs)  
 (cf. 5131.63 - Steroids)  
 (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)  
 (cf. 5141.4 - Child Abuse Prevention and Reporting)  
 (cf. 5141.52 - Suicide Prevention)  
 (cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual Harassment)

## 11. Knowledge of topics related to employee health, safety, and security

(cf. 3514.1 - Hazardous Substances)  
 (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
 (cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)  
 (cf. 4119.43/4219.43/4319.43 - Universal Precautions)  
 (cf. 4157/4257/4357 - Employee Safety)  
 (cf. 4158/4258/4358 - Employee Security)

The Superintendent or designee may, in conjunction with ~~individual~~ teachers ~~and~~, interns, ~~and~~ administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

(cf. 4112.2 - Certification)  
 (cf. 4112.21 - Interns)  
 (cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)  
 (cf. 4131.1 - ~~Beginning~~ Teacher Support/Induction and Guidance)

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

(cf. 4115 - Evaluation/Supervision)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3100 - Budget)  
 (cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the



Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

(cf. 0500 - Accountability)

*Legal Reference:*

EDUCATION CODE

44032 Travel expense payment

44259.5 Standards for teacher preparation

44277 Professional growth programs for individual teachers

44300 Emergency permits

44325-44328 District interns

44450-44468 University internship program

44570-44578 Inservice training, secondary education

45028 Salary schedule and exceptions

48980 Notification of parents/guardians; schedule of minimum days

52060-52077 Local control and accountability plan

56240-56245 Staff development; service to persons with disabilities

99200-99206 Subject matter projects

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

13025-13044 Professional development and program improvement

80021 Short-term staff permit

80021.1 Provisional internship permit

80023-80026.6 Emergency permits

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, Training and Recruiting High Quality Teachers and Principals

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

*Management Resources:*

CSBA PUBLICATIONS

Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

WEB SITES

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

California Department of Education, Professional Development Learning: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmj.ucop.edu>

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

Policy

adopted: April 10, 2007

revised: February 11, 2014

revised: October 13, 2015

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, CA

# Sierra County/Sierra-Plumas Joint USD

Classified Personnel

BP 4231

## STAFF DEVELOPMENT

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

*(cf. 4200 - Classified Personnel)*

*(cf. 4261.3 - Professional Leaves)*

The Superintendent or designee shall may involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. ~~0420.1 - School-Based Program Coordination~~)*

*~~(cf. 0460 - Local Control and Accountability Plan)~~*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
  - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
  - b. Alignment of curriculum and instructional materials with Common Core State Standards
  - c. The management and use of state and local student data to improve student learning
  - d. Best practices in appropriate interventions and assistance to at-risk students

(cf. 4222 - Teacher Aides/Paraprofessionals)  
 (cf. 5121 - Grades/Evaluation of Student Achievement)  
 (cf. 5123 - Promotion/Acceleration/Retention)  
 (cf. ~~5149 - At Risk Students~~6011 - Academic Standards)  
 (cf. ~~6011 - Academic Standards~~)

(cf. 6141 - Curriculum Development and Evaluation)  
 (cf. 6143 - Courses of Study)  
 (cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
 (cf. 6162.5 - Student Assessment)  
 (cf. 6162.51 - State Academic Achievement Tests)

## 2. Student and campus safety

(cf. 0450 - Comprehensive Safety Plan)  
 (cf. 3515.3 - District Police/Security Department)  
 (cf. 3515.5 - Sex Offender Notification)  
 (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
 (cf. ~~4119.43/4219.43/4319.43 - Universal Precautions~~)  
 (cf. ~~4157/4257/4357 - Employee Safety~~)  
 (cf. 4158/4258/4358 - Employee Security)  
 (cf. 5131 - Conduct)  
 (cf. 5131.2 - Bullying)  
 (cf. 5137 - Positive School Climate)  
 (cf. 5138 - Conflict Resolution/Peer Mediation)  
 (cf. 5145.9 - Hate-Motivated Behavior)  
 (cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual Harassment)

## 3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance

(cf. 0440 - District Technology Plan)  
 (cf. ~~1114 - District Sponsored Social Media~~)  
 (cf. ~~4040 - Employee Use of Technology~~)  
 (cf. 6163.4 - Student Use of Technology)

## 4. School facility maintenance and operations, including ~~new research and~~ best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites

(cf. 3510 - Green School Operations)  
 (cf. 3511 - Energy and Water Management)

## 5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates

(cf. 6159 - Individualized Education Program)  
 (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)  
 (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

~~6. Effective communication and interaction with staff, students, parents/guardians, and community members~~

~~(cf. 6020 - Parent Involvement)~~

~~(cf. 6171 - Title I Programs)~~

~~7. School transportation and bus safety~~

~~(cf. 3540 - Transportation)~~

~~(cf. 3541 - Transportation for School-Related Trips)~~

~~(cf. 3541.2 - Transportation for Students with Disabilities)~~

~~(cf. 3542 - Bus Drivers)~~

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

87. Parent involvement, including ways to increase parent involvement at school sites

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

98. Food service, including ~~new research on~~ food preparation to provide nutritional meals, food safety, and food management

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

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

(cf. 3555 - Nutrition Program Compliance)

(cf.

~~105030 - Student Wellness)~~

9. Health, counseling, and nursing services

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.26 - Tuberculosis Testing)

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

(cf. 5141.3 - Health Examinations)

(cf. 5141.52 - Suicide Prevention)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

~~110.~~ Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 6161.3 - Toxic Art Supplies)

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and BP 4131 - Staff Development.

~~(cf. 4131—Staff Development)~~

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

*(cf. 4215 - Evaluation/Supervision)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

*(cf. 0500 - Accountability)*

*Legal Reference:*

EDUCATION CODE

~~41530-41533~~44277 *Professional ~~Development Block Grant~~ growth programs for individual teachers*

44032 *Travel expense payment*

45380-45387 *Retraining and study leave (classified employees)*

45390-45392 *Professional development for classified school employees*

52060-52077 *Local control and accountability plan*

56240-56245 *Staff development; service to persons with disabilities*

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

*Management Resources:*

WEB SITES

*California Association of School Business Officials: <http://www.casbo.org>*

*California School Employees Association: <http://www.csea.com>*

Policy

adopted: April 10, 2007

revised: February 11, 2014

revised: October 13, 2015

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
SIERRA COUNTY OFFICE OF EDUCATION  
Sierraville, California  
Loyalton, California