

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

April 09, 2019

6:00pm Regular Session

Downieville School, 130 School St, Downieville CA 95936

Videoconferencing will be available at Sierra County Office of Education, 109 Beckwith Rd, 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 AGENDA

D. FLAG SALUTE

E. INFORMATION/DISCUSSION ITEMS

1. Correspondence

- a. Letter from California Department of Education, 2017/18-2019/20 LCAP approved for 2018-19 school year**
- b. California Department of Education Letter of Approval of 2018-19 Budget**
- c. 2017-18 Resolution of Audit Findings – Corrective Action**

2. Superintendent's Report

- a. California County Superintendents Educational Services Association (CCSESA) Quarterly Meeting Report
- b. Update on Secure Rural Schools
- c. Update on Deferred Maintenance Plans**
- d. Classroom Teacher – Speech Therapist Job Description**
- e. Offer of Employment to Jason Prakash, Special Ed teacher, 1.0 FTE, effective August 2019
- f. Offer of Employment to Sherril Rahe, Garden Technician, .67 FTE, 20 hours weekly, effective April 1, 2019 (Seasonal)
- g. Advertising for Nurse position, 1.0 FTE
- h. Advertising for Speech Pathologist position, 1.0 FTE
- i. Loyalton Elementary School Reduction in staff, Madera Schwary, Transportation Aide, FTE .25, Effective June 5th, 2019

3. Business Report

- a. Account Object Summary-Balance from 07/01/2018 to 03/31/2019**

4. Staff Report (5 minutes)

5. Board Member Reports (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

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held March 12, 2019**
2. Approval of Board Report-Checks Dated 03/01/2019 through 03/31/2019**
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 03/31/2019. 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 the Sierra County Office of Education or the Sierra-Plumas Joint Unified School District Office during the quarter ending 03/31/2019.

G. ACTION ITEMS

1. New Business
 - a. Completion of Bargaining, Administrative Employees, 2018-2019 Negotiations**
 - b. Completion of Bargaining, Classified Management Employees, 2018-2019 Negotiations**
 - c. Completion of Bargaining, Confidential Employees, 2018-2019 Negotiations**
 - d. Update on Adult Education Portable, Access and Insurance Information

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- e. 1312.1—Complaints Concerning District Employees
 1. Board Policy, *for Board review***
 2. Administrative Regulation, *for Board review***
- f. 1312.3—Uniform Complaint Procedures
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- g. 1312.4—Williams Uniform Complaint Procedures
 1. Administrative Regulation, *revisions***
 2. Exhibit(1), *revisions***
 3. Exhibit(2), *revisions***
 4. Exhibit(3), *NEW***
 5. Exhibit(4), *NEW***
- h. 1340—Access to District Records
 1. Administrative Regulation, *revisions***
- i. 5125.2—Withholding Grades, Diploma and Transcripts
 1. Administrative Regulation, *revisions***
- j. 5127—Graduation Ceremonies and Activities
 1. Board Policy, *revisions***
- k. 9323.2—Actions by the Board
 1. Board Bylaw, *revisions***
 2. Exhibit(1), *revisions***
 3. Exhibit(2), *NEW***

H. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on May 14, 2019 at Sierra County Office of Education, 109 Beckwith Rd, Loyalton CA 96118, beginning with Closed Session as needed at 5:00pm and the Regular Board Meeting at 6:00pm.
2. Suggested Agenda Items
 - a. _____
 - b. _____

I. ADJOURN



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

- *** prior month handout
- ** enclosed
- * handout



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

March 28, 2019

Merrill Grant, Superintendent
Sierra County Office of Education/Sierra-Plumas Joint Unified School District
109 Beckwith Road
Loyalton, CA 96118

Dear Superintendent Grant:

It is a pleasure to inform you that the State Superintendent of Public Instruction has approved the 2017/18–2019/20 Local Control and Accountability Plan (LCAP) for the 2018-19 school year for Sierra-Plumas Joint Unified School District and Sierra County Office of Education, pursuant to California *Education Code (EC)* sections 52070(e) and 52070.5(d).

As you know, the Superintendent is required to review and approve the LCAP or the annual update to an existing LCAP prior to the approval of the LEA's adopted budget per *EC* sections 1622(b)(1)(C) and 42127(d)(2).

On behalf of the Superintendent, we would like to thank you and your staff for your efforts towards continuing to increase student achievement and providing opportunities for every student.

If you have any questions regarding this subject, please contact me by phone at 916-319-0303 or by email at jbreshears@cde.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Breshears".

Jeff Breshears, Director
Local Agency Systems Support Office

JB:jb



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

March 28, 2019

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

Dear Superintendent Grant:

Subject: 2018–19 County Office and School District Budget

Pursuant to California Education Code (EC) section 1622(b), we have examined your budget to determine whether it complies with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allows your school district to meet its financial obligations during the fiscal year, and is consistent with a financial plan that will enable it to satisfy its multiyear financial commitments. Based on our review, your July 1 budget meets the above specified criteria and is approved.

We appreciate the submission of your budget and if you have any questions or concerns, please contact our office by phone at 916-322-1770.

Sincerely,


Christine Davis, Administrator
Financial Accountability and Information Services

CD:jm
2018-0203a-46c

cc: Nona Griesert, Business Manager

RECEIVED

APR 01 2019

**SCOE
SPJUSD**

CERTIFICATION OF CORRECTIVE ACTION
Resolution of 2017-18 Audit Findings

March 22, 2019

LEA: Sierra County Office of Education

CDS #: 46-10462

Superintendent or Designee's Signature: Miriam NT
(The Superintendent certifies that all corrective action(s) specified on the attached page(s) have been implemented and assures that the corrective procedures will be used in ensuing years.)

Contact Person: Nona Griesert E-mail Address: ngriesert@spjUSD.org
Phone Number: (530) 993-1660 x-120 Fax Number: (530) 993-0828

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INSTRUCTIONS

On a separate sheet, please describe the specific corrective action which has been taken for each audit finding identified on the enclosed Management Decision List and provide any requested documentation. Be certain that your responses are clear and concise. You will need to provide all documentation that confirms specific actions resolving the problem, i.e., copies of amended reports, certification number of the amended P-2 or Annual Reports of Attendance, revised procedures, corrective action plans, etc.

Please sign and date this Certification of Corrective Action form and submit the original certification form, response, and corresponding documentation to:

Audit Resolution Office
School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814-5901
FAX: 916-327-6157

Your response must be submitted **within three weeks of the date of this letter.**

If the Superintendent, Chief Business Officer, or mailing address shown in our letter is incorrect, please report any updated information on our web page at <https://www3.cde.ca.gov/opuscds/default.aspx>.

MANAGEMENT DECISION LIST

LEA: Sierra County Office of Education

CDS#: 46-10462

Finding

CDE Decision

2018-1 Lack of Segregation
of Duties

Corrective Action/
Documentation
Required:

Mitigating controls may be implemented to minimize risks associated with failure to adequately segregate incompatible duties. LEA may need to consult with your auditor. Provide copy of additional internal control procedures.

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

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

Merrill M. Grant, Ed.D.
Superintendent

Phone: (530) 993-1660
FAX: (530) 993-0828
Email: mgrant@spjUSD.org

April 1, 2019

Audit Resolution Office
Attn: Raquel Tucker
School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814-5901

RE: 2017-18 Audit Finding Resolution

Dear Ms. Tucker:

SIERRA COE FINANCIAL STATEMENT FINDING RESOLUTION

2018-1: Lack of Segregation of Duties

1. In the areas of capital assets, grant and entitlement revenues, accounts receivable, unearned revenues, and the financial close and reporting process, the CBO has primary responsibility for recording, reconciling, and in some cases authorizing transactions, without review by any individual of comparable accounting experience, or financial knowledge of the County Office.

Resolution: Sierra County Office of education business manager will consult with their current audit firm, CWDL, CPA's, to identify, develop and implement procedures in the area that needs internal controls in order to eliminate the lack of segregation of duties finding. The current finding is very general.

2. Other individuals in the business office have duties crossover other areas of responsibility, such as access to recording transactions in the general ledger, yet also responsibility for preparing reconciliations.

Resolution: Sierra County Office of Education will consult with their current audit firm, CWDL, CPA's, to identify, develop and implement procedures in the area that needs internal controls in order to eliminate the lack of segregation of duties finding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nona Griesert". The signature is fluid and cursive, with a prominent initial "N" and a long, sweeping tail.

Nona Griesert
Business Manager
Sierra County Office of Education

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
SCOE Deferred Maintenance Totals	\$15,000.00	\$0.00	\$20,000.00	\$5,000.00	\$10,000.00	\$75,000.00	\$5,000.00	\$0.00	\$0.00	\$7,500.00	\$0.00	\$0.00	\$70,000.00	\$0.00	\$10,000.00
SPJUSD Deferred Maintenance Totals	\$0.00	\$175,000.00	\$150,000.00	\$150,000.00	\$200,000.00	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$200,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$60,000.00
Deferred Maintenance Grand Total	\$15,000.00	\$175,000.00	\$170,000.00	\$155,000.00	\$210,000.00	\$175,000.00	\$105,000.00	\$0.00	\$0.00	\$207,500.00	\$50,000.00	\$50,000.00	\$70,000.00	\$0.00	\$70,000.00

**Sierra County Office of Education
Deferred Maintenance Project List**

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
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Facilities/Project:

Asphalt-Parking Areas:

Seal/Stripe - every 5 years

\$5,000.00

\$7,500.00

\$10,000.00

COE/DO Facilities

Portable Buildings

Portables 3 & 4 Entry Ramps

\$7,500.00

Portable 5 Entry Ramp

\$7,500.00

Portables 6 & 7 Entry Ramps

\$5,000.00

Portable 8 Entry Ramp

\$5,000.00

Portables 9, 10 & 11 Entry Ramp

\$5,000.00

Paint

Exterior

\$10,000.00

Interior

Flooring

\$50,000.00

\$50,000.00

Resource Building

Paint - Interior

\$5,000.00

Paint - Exterior

\$10,000.00

Flooring

\$20,000.00

\$20,000.00

SCOE Deferred Maintenance Totals:

\$15,000.00

\$0.00

\$20,000.00

\$5,000.00

\$10,000.00

\$75,000.00

\$5,000.00

\$0.00

\$0.00

\$7,500.00

\$0.00

\$0.00

\$70,000.00

\$0.00

\$10,000.00

Sierra-Plumas Joint USD Deferred Maintenance Project List

Facilities/Project:

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
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Asphalt-Parking Areas:

Seal/Stripe - every 5 years				\$50,000.00						\$55,000.00				\$60,000.00
Asphalt Paving - Access Road										\$50,000.00				

LHS Facilities:

Asphalt Paving - Rear area of LHS										\$45,000.00				
Clock/Bell Digital Upgrade														
Paint														
Interior														
Exterior		\$25,000.00												
Flooring					\$50,000.00									\$50,000.00
Window Replacement		\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00							

LES Facilities

Midfield (Soccer) Upgrades														
Irrigation														
Sod														
Power Pole Relocation														
Clock/Bell Digital Upgrade														
Paint														
Interior														
Exterior		\$25,000.00												
Wallpaper														
Replace Ceiling Tiles - All Rooms														
Flooring			\$50,000.00							\$50,000.00				
Window Replacement		\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00							

DVL Facilities

Paint														
Interior														
Exterior		\$25,000.00												
Flooring				\$50,000.00								\$50,000.00		

SPJUSD Deferred Maintenance Total:

\$0.00	\$175,000.00	\$150,000.00	\$150,000.00	\$200,000.00	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$200,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$60,000.00
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CLASSROOM TEACHER-SPEECH THERAPIST

DEFINITION: Under direction supervision of the school site administrator and/or designee, shall be responsible for providing diagnostic and intervention services for students with speech, language and hearing disorders. Reports to SELPA Director.

Essential Functions:

- Assess, screen, and evaluate students and effectively share results with parents and educational staff, and participate in the eligibility determination process in accordance with state and school division requirements and best practice.
- Develop and implement individual Education Plans (IEPs) for students with Speech/Language impairment and assists with IEPs for students with speech/language as a service on an annual basis or according to requirements.
- Maintain records and information concerning individual students in the prescribed confidential manner.
- Communicate and collaborate with parents and the school community for the purpose of fostering individual student success and growth while engaging the families in the therapy program.
- Demonstrate knowledge of child growth and development and individual student needs by providing relevant instruction according to the IEP and educational best practices.
- Participate in various meetings for the purpose of addressing student goals and needs, and to meet laws and policies.
- Maintain and submit information/records including student progress for all students
- Implement and comply with District policies and procedures
- Perform related duties as assigned by the administration in accordance with school district policies and procedures
- Establish and maintain cooperative professional relationships with administrative and school staff

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED

Any one position may not include all of the duties listed nor to the listed examples include all the tasks which may be found in positions of this class

- Knowledge of subject matter/course content and resources relevant to the assignment
- Establish goals and objectives for each student
- Knowledge of and skills in administering, scoring and interpreting communication assessments.
- Knowledge of and skills in best practice instruction specific to various disabilities

-
- Ability to interact positively and effectively with parents, students, staff and administrators.
 - Ability to maintain confidentiality
 - Gain and maintain student respect, student interest and cooperation. Serve as a source of encouragement for students in developing a positive balance of physical, social and academic success
 - Consult and work cooperatively with staff, administrators, superintendent, professionals and outside agencies
 - Interact positively with parents and develop a strong relationship with students' families through conferences and home telephone calls
 - Supervise students in out-of-classroom and/or extra-curricular activities
 - Other duties as assigned
 - Maintain professional competence and adhere to standards of professional ethics

Minimum Qualifications:

1. Master's Degree
2. Valid California State certification with appropriate licenses
3. FBI Fingerprint Clearance

PHYSICAL ABILITIES

Physical abilities include standing and walking for extended periods of time, sitting/working at desk, lifting/carrying, reaching/handling, bending/twisting, talking/hearing, near and far visual acuity/depth perception, manual dexterity to operate office equipment and computer. Ability to lift supplies and materials up to fifteen pounds.

First Reading: July 14, 2009

Adopted:

Z:Job Description: speech therapist

Revision

Presented to Sierra County Board of Education by the Sierra County Superintendent of Schools on April 9, 2019

Balances through March						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	230,761.00	342,924.00	75,761.40	279,113.59	11,950.99-
1115	Certificated Extra Duty		250.00		60.00	190.00
1120	Certificated Substitutes	75,787.00	16,450.00		8,352.50	8,097.50
1200	Certificated Pupil Support Ser	43,846.00	44,724.00	11,180.73	33,542.12	1.15
1300	Certificated Supervisor Admini	199,167.00	203,969.00	61,176.63	183,529.97	40,737.60-
1310	Teacher in Charge	10,000.00	10,000.00		1,000.00	9,000.00
	Total for Object 1000	559,561.00	618,317.00	148,118.76	505,598.18	35,399.94-
2100	Instructional Aides' Salaries	120,916.00	134,310.00	38,557.20	79,524.84	16,227.96
2115	Classified Extra Duty	588.00	1,061.00		1,056.40	4.60
2120	Classified Substitutes	8,000.00	7,950.00		5,400.38	2,549.62
2200	Classified Support Salaries	28,844.00	16,147.00	3,417.69	13,855.27	1,125.96-
2215	Classified Support Extra Duty		1,000.00		771.78	228.22
2300	Classified Supervisors' Admini	95,174.00	95,011.00	24,039.00	72,522.00	1,550.00-
2400	Clerical Technical Office Staf	144,227.00	147,022.00	31,864.01	104,087.97	11,070.02
2420	Clerical Substiture	250.00	250.00			250.00
2900	Other Classified Salaries	16,448.00	16,608.00		2,586.50	14,021.50
	Total for Object 2000	414,447.00	419,359.00	97,877.90	279,805.14	41,675.96
3101	STRS Certificated Positions	114,331.00	111,928.00	23,893.95	66,336.09	21,697.96
3102	STRS Classified Positions	749.00	961.00	229.26	672.83	58.91
3201	PERS Certificated Positions				21.67	21.67-
3202	PERS Classified Positions	73,152.00	73,603.00	16,501.68	50,548.60	6,552.72
3301	OASDI Certificated Positions	155.00			52.08	52.08-
3302	OASDI Classified Positions	23,803.00	24,135.00	5,522.04	16,033.82	2,579.14
3311	Medicare Certificated Position	7,488.00	8,536.00	2,027.88	7,019.58	511.46-
3312	Medicare Classified Positions	5,884.00	5,975.00	1,393.85	3,979.68	601.47
3401	Health & Welfare Benefits Cert	111,502.00	129,036.00	30,779.79	80,718.21	17,538.00
3402	Health & Welfare Benefits Clas	124,277.00	113,828.00	28,089.15	83,804.78	1,934.07
3501	SUI Certificated	277.00	310.00	74.10	253.47	17.57-
3502	SUI Classified	209.00	209.00	48.93	138.51	21.56
3601	Workers' Compensation Certific	19,974.00	16,859.00	4,681.56	13,360.59	1,183.15-
3602	Workers' Compensation Classifi	15,100.00	13,792.00	3,217.96	7,296.71	3,277.33
3902	Golden Handshake-Class				4,152.00	4,152.00-
	Total for Object 3000	496,901.00	499,172.00	116,460.15	334,388.62	48,323.23
4100	Approved Textbooks Core Curric	672.00	892.00			892.00
4200	Library and Reference Material	1,000.00				.00

Balances through March						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4300	Materials and Supplies	71,970.00	57,113.00	3,740.14	18,289.73	35,083.13
4320	Custodial Grounds Supplies	600.00	600.00			600.00
4330	Office Supplies	1,000.00	1,000.00		1,002.31	2.31-
4350	Vehicle Upkeep	5,500.00	6,000.00	991.00	830.24	4,178.76
4400	Noncapitalized Equipment	23,311.00	16,196.00		1,635.08	14,560.92
Total for Object 4000		104,053.00	81,801.00	4,731.14	21,757.36	55,312.50
5100	Subagreements for Services	43,000.00	43,000.00	16,450.00	17,770.00	8,780.00
5200	Travel and Conference	44,755.00	43,841.00	5,016.95	27,098.48	11,725.57
5300	Dues and Membership	19,631.00	20,163.00	507.99	12,532.65	7,122.36
5400	Insurance	9,600.00	11,000.00		9,434.00	1,566.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	3,546.09	6,541.59	887.68-
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	243.97	1,147.47	1,708.56
5801	Legal Services	20,500.00	30,500.00		12,417.50	18,082.50
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	793.00	842.00	200.00	64.00	578.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	463.88	1,036.12	.00
5810	Contracted Services	457,092.00	406,114.00	112,200.26	238,370.96	55,542.78
5899	SPJUSD to Reimburse			2,409.95	626.82	3,036.77-
5900	Communications	5,200.00	10,500.00	2,358.56	7,406.31	735.13
Total for Object 5000		615,871.00	581,260.00	143,397.65	334,445.90	103,416.45
6170	LAND IMPROVEMENTS	290,000.00	293,000.00		291,968.39	1,031.61
6200	Building and Improvement of Bu	7,664.00	22,664.00			22,664.00
6400	Equipment	20,000.00	20,000.00			20,000.00
Total for Object 6000		317,664.00	335,664.00	.00	291,968.39	43,695.61
7110	County Tuition Inter Dist Agree		5,501.00		3,119.00	2,382.00
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
Total for Object 7000		24,428.00	29,929.00	.00	3,119.00	26,810.00
Total for Fund 01 and Expense accounts		2,532,925.00	2,565,502.00	510,585.60	1,771,082.59	283,833.81
Fund 11 - ADULT ED						
1300	Certificated Supervisor Admini		80,950.00	21,352.02	20,358.90	39,239.08
3101	STRS Certificated Positions		13,179.00	3,476.10	3,314.43	6,388.47
3311	Medicare Certificated Position		1,174.00	309.60	295.21	569.19

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2019, Period = 9, Unposted JEs? = N, Assets and Liabilities? = N, Restricted Accts? = Y, Object = 1-7, SACS Fund? = N, Fund Page Break? = N, Obj Lvl = 4, Obj Digits = 1, Page Break? = N)

ESCAPE ONLINE

Balances through March						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 11 - ADULT ED (continued)						
3401	Health & Welfare Benefits Cert		17,537.00	3,191.70	2,127.80	12,217.50
3501	SUI Certificated		40.00	10.68	10.18	19.14
3601	Workers' Compensation Certific		2,710.00	714.78	681.53	1,313.69
	Total for Object 3000	.00	34,640.00	7,702.86	6,429.15	20,507.99
4300	Materials and Supplies		5,000.00	95.96	727.18	4,176.86
4400	Noncapitalized Equipment		2,685.00	4,785.80	3,556.58	5,657.38-
	Total for Object 4000	.00	7,685.00	4,881.76	4,283.76	1,480.52-
5200	Travel and Conference			2,405.56	10,568.04	12,973.60-
5810	Contracted Services		45,000.00	9,094.00	7,350.00	28,556.00
	Total for Object 5000	.00	45,000.00	11,499.56	17,918.04	15,582.40
6200	Building and Improvement of Bu			33,639.74	33,389.74	67,029.48-
6400	Equipment		30,000.00		7,782.25	22,217.75
	Total for Object 6000	.00	30,000.00	33,639.74	41,171.99	44,811.73-
7619	Other Authorized Interfund Tra		1,725.00			1,725.00
	Total for Fund 11 and Expense accounts	.00	200,000.00	79,075.94	90,161.84	30,762.22
Fund 16 - FOREST RES						
7619	Other Authorized Interfund Tra	52,121.00	52,121.00			52,121.00
	Total for Fund 16, Expense accounts and Object 7000	52,121.00	52,121.00	.00	.00	52,121.00
	Total for Org 001 - Sierra County Office of Education	2,585,046.00	2,817,623.00	589,661.54	1,861,244.43	366,717.03

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

March 12, 2019

Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118

Videoconferenced to Downieville School, 130 School St, Downieville CA 95936

5:00pm Closed Session

6:00pm Regular Session

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 5:01pm.

B. ROLL CALL

PRESENT: Patty Hall, President
Allen Wright, Vice President
Andy Genasci, Clerk
Mike Moore, Member
Jenny Gant, Member

ABSENT: None

C. APPROVAL OF AGENDA

WRIGHT/GANT

5/0

D. PUBLIC COMMENT FOR CLOSED SESSION

1. Current location – none
2. Videoconference location – none

E. CLOSED SESSION

MOORE/WRIGHT

5/0

The Board of Trustees, Superintendent Dr. Merrill Grant and Business Manager Nona Griesert moved into Closed Session at 5:02pm to discuss the following item(s):

1. Government Code 54956.9
CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
 - a. Case # 11153
 - b. Case # 11138
2. 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:	Administrative Employees
	Classified Employees
	Classified Management
	Confidential Employees

F. RETURN TO OPEN SESSION at 6:00pm and ADJOURN FOR BREAK

G. 6:01PM – RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

MOORE: No action taken during closed session on either item, just discussions.

J. INFORMATION/DISCUSSION ITEMS

1. Correspondence

- a. Letter from California Department of Education, 2018-19 First Interim Reports not yet approved due to LCAP
GRANT: We've been working diligently to get the LCAP adjusted and finished based on the State's requests, but they keep coming back with more adjustments with each submission. Still working to resolve.
- b. Certification of Completion from Division of the State Architect for Project at Downieville High School
GRANT: Boiler project complete.

2. Superintendent's Report

- a. Submitting California Department of Education Form J-13A for 2018-2019 Request for Allowance of Attendance Due to Emergency Conditions
GRANT: Looking into generator for Downieville School eventually due to the frequent power outages that occur in the Downieville area.
- b. Garden Technician Job Description and Revised Salary Schedule
GRANT: Interviews set up for this position next week. Part-time position.
- c. Update on Adult Education portable to be housed at LHS
GRANT: Portable being delivered April 7th. We received additional \$85K from FRAEC for this portable. The district will own the portable if Adult Ed were ever to dissolve again in the future.
GENASCI: Policies/guidelines/insurance around adults on campus during school hours? Can high school students utilize the Adult Ed space/resources during school hours?
JACKSON: Will need to look into additional insurance info as well as access for adults during the Jr/Sr high school hours.

3. Business Report

- a. Account Object Summary-Balance from 07/01/2018 to 02/28/2019

4. Staff Reports

- a. CURRICULUM—*MESCHERY: Moving along with goals for 2nd semester for teachers. Attended Career Fair at Chico State last weekend with lots of positive feedback and resumes received. Going to UC Davis on the 23rd for another Career Fair. Social Studies and History curriculum review this month in Loyalton and next month in Downieville for adoption for next school year.*
- b. ADULT ED—*JACKSON: Currently working on bids for portable install. Student population increased by 4 since last month. More students showing interest and other community support. Community Forums being held Wednesday evening in Loyalton and Thursday in Downieville.*
- c. SELPA—*BETHKE: New hire at LES. New Instructional Aide in DVL going well so far. Starting talks about extended school year (summer school) and how that will look. Also looking at how to best serve our students next year.*

5. Board Member Reports

- a. *GENASCI: Walk-thru of LES & LHS—maintenance work is looking great. Do have some suggestions, though, for things that need to be included on deferred maintenance plan.*

6. Public Comment

- a. Current location – none
- b. Videoconference location – none

K. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held February 12, 2019
2. Approval of Board Report-Checks Dated 02/01/2019 through 02/28/2019

MOORE/WRIGHT

5/0

L. ACTION ITEMS

1. New Business

- a. Authorization for Out of State Travel Request to a National Adult Education Conference in New Orleans, Louisiana, for Wendy Jackson, Adult Education Coordinator

WRIGHT/GANT

5/0

- b. 2019 Ballot for California School Boards Association (CSBA) Delegate Assembly

MOORE moved to vote for Julann Brown. Second by GENASCI.

5/0

- c. Approval of 2018-2019 Second Interim Reports as of January 31, 2019

MOORE/GANT

5/0

- d. Review bids and award contract for auditing services for fiscal years 2018-2019, 2019-2020 and 2020-2021

MOORE moved to award bid to CWDL CPAs. Second by GENASCI.

GRIESERT: Two bids. Singleton Auman has been working on our audits since 2010. CWDL is a newer company, but all references have given very positive feedback for them.

HALL: Singleton Auman has been doing a great job over the years, but recommend switching auditors for reasons of integrity and having fresh eyes on audits. We can consider cycling between auditors at the end of each contract.

5/0

- e. Approval of 2019-2020 School Calendar

MOORE/WRIGHT

5/0

- f. Approval of Safe Schools Plan, annual review and revisions

(this plan can be found in its entirety on our website,

http://www.sierracountyofficeofeducation.org/upload/?show=/SCHOOL_SAFETY_PLAN/)

MOORE/GANT

GENASCI: Would like to look at the communications section in the near future to consider updates based on recent ALICE trainings and input from Sheriff's office.

5/0

PUBLIC HEARING – Collective Bargaining Disclosure Statement

- g. Public Hearing opened at 6:52pm to receive public comment regarding Collective Bargaining Agreement (Items h-j). *Closed at 6:53pm with no comment.*

- h. Presentation and Approval of the Tentative Collective Bargaining Agreement for Administrative Employees, 2018-2019 Negotiations for salary and benefits

- i. Presentation and Approval of the Tentative Collective Bargaining Agreement for Classified Management Employees, 2018-2019 Negotiations for salary and benefits

- j. Presentation and Approval of the Tentative Collective Bargaining Agreement for Confidential Employees, 2018-2019 Negotiations for salary and benefits

MOORE moved to approve items h, i and j. Second by WRIGHT.

5/0

- k. Adopt Resolution 19-005C, Set Superintendent Salary, 2018-19 Amendment and 2019-21 Salary
MOORE/GANT
ROLL CALL VOTE
HALL – AYE
WRIGHT – AYE
MOORE – AYE
GANT – AYE
GENASCI – AYE
5/0

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- l. Administrative Regulation 3311.1—Uniform Public Construction Cost Accounting Procedures, *NEW*
MOORE/WRIGHT
5/0
- m. Administrative Regulation 3543—Transportation Safety and Emergencies, *revisions*
MOORE/GANT
5/0
- n. Administrative Regulation 5113—Absences and Excuses, *revisions*
MOORE/HALL
5/0
- o. Administrative Regulation 5131.41—Use of Seclusion and Restraint, *NEW*
MOORE/WRIGHT
5/0
- p. Board Policy 5141.52—Suicide Prevention, *revisions*
MOORE/GENASCI
5/0
- q. Administrative Regulation 5141.52—Suicide Prevention, *revisions*
MOORE/WRIGHT
5/0
- r. Board Policy 5144—Discipline, *revisions*
MOORE/WRIGHT
5/0
- s. Administrative Regulation 5144—Discipline, *revisions*
MOORE/WRIGHT
5/0
- t. Board Policy 5146—Married/Pregnant/Parenting Students, *revisions*
MOORE/WRIGHT
5/0
- u. Board Policy 4161.9/4261.9/4361.9—Catastrophic Leave Program, *NEW*
MOORE/WRIGHT
5/0
- v. Administrative Regulation 4161.9/4261.9/4361.9—Catastrophic Leave Program, *NEW*
MOORE/WRIGHT
5/0
- w. Board Policy 6146.1—High School Graduation Requirements, *revisions*
MOORE/HALL
5/0
- x. Administrative Regulation 6183—Home and Hospital Instruction, *revisions*
MOORE/HALL
5/0

M. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on April 9, 2019 at Downieville School, 130 School St, Downieville CA 95936 beginning with Closed Session, as needed, at 5:00pm and the Regular Board Meeting at 6:00pm.
2. Suggested Agenda Items
 - a. Adult Access to LHS with upcoming Adult Ed program/students

N. ADJOURN at 7:16pm

GANT/MOORE

5/0

Andy J. Genasci, Clerk

Dr. Merrill M. Grant, Superintendent

**SIERRA COUNTY OFFICE OF EDUCATION—SCOE
CLOSED SESSION REPORTING FORM**

DATE: March 12, 2019

CLOSED SESSION BEGAN AT: 5:00 P.M.

BOARD MEMBERS PRESENT:

Patty Hall ---- Allen Wright ---- Andy Genasci ---- Mike Moore ---- Jenny Gant

OTHERS PRESENT:

- Dr. Merrill M. Grant, Superintendent
- Ms. Nona Griesert, Business Manager
- _____
- _____

**Call w/ legal council*

I. SESSION TOPIC(S):

<p>Item #1—Government Code 54956.9 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION a. Case #11153 b. Case #11138 Litigation—RESULT:</p> <p><input type="checkbox"/> DIRECTION WAS GIVEN TO SUPERINTENDENT <input checked="" type="checkbox"/> THE CLOSED SESSION WAS FOR PURPOSES OF DISCUSSION ONLY. NO ACTION WAS TAKEN. <input type="checkbox"/> A ROLL CALL VOTE WAS TAKEN: HALL _____ WRIGHT _____ GENASCI _____ MOORE _____ GANT _____ <input type="checkbox"/> A ROLL CALL VOTE WAS TAKEN IN OPEN SESSION: HALL _____ WRIGHT _____ GENASCI _____ MOORE _____ GANT _____</p> <hr/> <p>Item #2—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: Administrative Employees Classified Employees Classified Management Confidential Employees</p> <p>Negotiations—RESULT:</p> <p><input type="checkbox"/> DIRECTION WAS GIVEN TO SUPERINTENDENT <input checked="" type="checkbox"/> THE CLOSED SESSION WAS FOR PURPOSES OF DISCUSSION ONLY. NO ACTION WAS TAKEN. <input type="checkbox"/> A ROLL CALL VOTE WAS TAKEN: HALL _____ WRIGHT _____ GENASCI _____ MOORE _____ GANT _____ <input type="checkbox"/> A ROLL CALL VOTE WAS TAKEN IN OPEN SESSION: HALL _____ WRIGHT _____ GENASCI _____ MOORE _____ GANT _____</p>
--

II. MOTION TO ADJOURN CLOSED SESSION AT 6:00 P.M. AND RETURN TO OPEN SESSION

BY: MOORE (NAME) SECONDED: GANT (NAME)

MOTION PASSED / FAILED

PRESIDED BY: *Patty Hall*
Patty Hall, PRESIDENT

RECORDED BY: *Andy J. Genasci*
Andy J. Genasci, CLERK

Checks Dated 03/01/2019 through 03/31/2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015166	03/11/2019	A-Z BUS SALES, INC	01-4300	VEST FOR BUS RIDER		238.37
00015167	03/11/2019	APPLE COMPUTER	11-6400	COMPUTER		7,782.25
00015168	03/11/2019	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		773.08
00015169	03/11/2019	AZTEC SOFTWARE	11-5810	HSE CURRICULUM		7,350.00
00015170	03/11/2019	HEIDI BETHKE	01-5200	MILEAGE	56.61	
				SELPA MEETING	443.21	
				SELPA/MENTAL HEALTH MEETINGS	609.24	1,109.06
00015171	03/11/2019	CDE CASHIER'S OFFICE	01-9590	UNSPENT FUNDS		13,875.00
00015172	03/11/2019	CARRIER SI, INC.	01-5600	REMOTE SERVICE		135.00
00015173	03/11/2019	CHALLENGE ELECTRIC	01-6170	HEAT MAT		5,124.14
00015174	03/11/2019	AMBER DONNELLY	01-5200	MILEAGE		92.80
00015175	03/11/2019	KATHLEEN EPPS	01-5200	JAN/FEB MILEAGE		1,018.48
00015176	03/11/2019	MERRILL GRANT	01-5200	CCSESA TRAVEL		1,242.00
00015177	03/11/2019	JANIS HARDEMAN	01-5810	NURSE SERVICES		2,400.00
00015178	03/11/2019	WENDY JACKSON	11-5200	AIRLINE/PER DIEM/REGISTRATION	189.26	
				PER DIEM/HOTEL	675.64	864.90
00015179	03/11/2019	JANE V. LEE, M.A., LMFT	01-5810	COUNSELING SERVICES		1,720.00
00015180	03/11/2019	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		382.40
00015181	03/11/2019	MARY LOWE	01-5810	COUNSELING SERVICES		1,160.00
00015182	03/11/2019	BARBARA MCKURTIS	01-5100	CONTRACTED CONSULTANT AGREEMENT		7,520.00
00015183	03/11/2019	MARLENE MONGOLO	01-5200	MILEAGE		548.73
00015184	03/11/2019	MIKE MOORE	01-5200	PER DIEM		29.00
00015185	03/11/2019	NEVADA COUNTY SUPT OF SCHOOLS ACCOUNTS RECEIVABLE	01-5200	EXCESS TRANSPORT DEC/JAN	771.86	
				EXCESS TRANSPORTATION DEC	658.07	1,429.93
00015186	03/11/2019	OFFICE DEPOT	11-4300	OFFICE SUPPLIES		208.24
00015187	03/11/2019	PROMEVO, LLC	11-4400	CHROMEBOOKS		3,556.58
00015188	03/11/2019	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		48.92
00015189	03/11/2019	READ NATURALLY	01-4300	INSTRUCTIONAL SUPPLIES		931.67
00015190	03/11/2019	SAN JOAQUIN SELPA ATTN: PATTI FARHAT	01-5810	SP. ED INFO SYSTEM		3,000.00
00015191	03/11/2019	SCHOOL SERV OF CALIFORNIA INC.	01-5200	WORKSHOP REGISTRATIONS	56.25	
			01-5899	WORKSHOP REGISTRATIONS	168.75	225.00
00015192	03/11/2019	MADERA SCHWARY	01-5200	MILEAGE		917.91
00015193	03/11/2019	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		108.24
00015194	03/11/2019	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		389.43
00015195	03/11/2019	SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT	01-5200	HOTEL ACCOMODATIONS	152.69	
			01-5899	HOTEL ACCOMODATIONS	458.07	610.76

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 03/01/2019 through 03/31/2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015196	03/11/2019	TAHOE RESORT HOTEL	01-5200	HOTEL ACCOMODATIONS		298.36
00015197	03/11/2019	TRI COUNTY SCHOOLS INSURANCE GROUP	01-3902	MAR 19 HEALTH INSURANCE	1,104.00	
			01-9535	MAR 19 HEALTH INSURANCE	2,159.00	
			76-9576	MAR 19 HEALTH INSURANCE	19,563.80	22,826.80
00015198	03/11/2019	U.S. BANK	01-5200	SUPT. TRAVEL EXPENSES	722.43	
			11-4300	OFFICE SUPPLIES	300.29	
				PRINTER	184.99	
				Unpaid Sales Tax	20.30-	1,187.41
00015199	03/11/2019	VOYAGER	01-4350	FUEL EXPENSE	181.97	
			01-5200	FUEL EXPENSE	208.66	390.63
00015200	03/11/2019	WORKABILITY REGION 4 SHAWNA PACHECO	01-5200	REGISTRATION		100.00
00015201	03/11/2019	ALLEN WRIGHT	01-5200	PER DIEM		7.25
00015202	03/22/2019	CASAS NATIONAL SUMMER INSTITUTE	11-5200	REGISTRATION		1,035.00
00015203	03/22/2019	CCAЕ	11-5200	REGISTRATION		1,300.00
00015204	03/22/2019	COABE CONFERENCE	11-5200	REGISTRATION		769.00
00015205	03/22/2019	EMBASSY SUITES	11-5200	HOTEL ACCOMODATIONS		839.32
00015206	03/22/2019	GOLDEN WEST RESTAURANT	11-5200	MEALS FOR COMMUNITY MEETING		810.81
00015207	03/22/2019	WENDY JACKSON	11-4300	BUSINESS CARDS	33.66	
			11-5200	PER DIEM/AIRLINE	457.95	
				PER DIEM/AIRLINE/PARKING	436.49	928.10
00015208	03/22/2019	LESLIE MARSDEN, MOT, OTR/L	01-5810	OCCUPATIONAL THERAPY SERVICES		5,020.00
00015209	03/22/2019	NASCO-FORT ATKINSON	01-4300	INSTRUCTIONAL SUPPLIES		113.03
00015210	03/22/2019	NEW ORLEANS MARRIOTT	11-5200	HOTEL ACCOMODATIONS		1,844.62
00015211	03/22/2019	NORTHEASTERN JOINT POWERS AUTHORITY	01-3602	ADDITIONAL BASED ON PAYROLL	1,891.03-	
			76-9571	ADDITIONAL BASED ON PAYROLL	4,823.49	2,932.46
00015212	03/22/2019	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		47.71
00015213	03/22/2019	SHERATON SAN DIEGO HOTEL & MARINA	11-5200	HOTEL		727.27
00015214	03/22/2019	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		98.19
00015215	03/22/2019	WILLIAMS SCOTSMAN	11-6200	PORTABLE		33,389.74
Total Number of Checks					50	139,457.59

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	36	53,199.49
11	ADULT EDUCATION	15	61,891.11

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 03/01/2019 through 03/31/2019

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>
76	Payroll Clearing	2	24,387.29
	Total Number of Checks	50	139,477.89
	Less Unpaid Sales Tax Liability		20.30
	Net (Check Amount)		139,457.59

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

SIERRA COUNTY SUPERINTENDENT OF SCHOOLS
SIERRA COUNTY BOARD OF EDUCATION AND
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD

COMPLETION OF BARGAINING

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT AND
SIERRA COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE EMPLOYEES
FOR 2018-2019 SALARY AND BENEFITS

By mutual agreement with Sierra-Plumas Administrative Employees' and Sierra County Superintendent of Schools, Sierra County Board of Education, and Sierra-Plumas Joint Unified School District Governing Board, this Agreement shall conclude 2018-2019 school year negotiations through June 30, 2019.

The SIERRA-PLUMAS JUSD AND SIERRA COE ADMINISTRATIVE EMPLOYEES voluntarily accept and ratify the Tentative Agreement for the 2018-2019 school year.

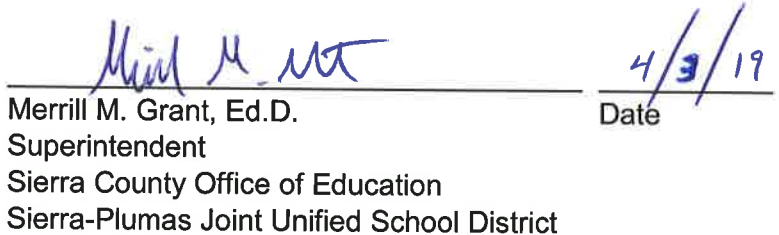
Accepted and Ratified
For the Administrative Employees:

Accepted and Adopted
For the Employer(s):



Representative
Administrative Employees

4/3/2019
Date



Merrill M. Grant, Ed.D.
Superintendent
Sierra County Office of Education
Sierra-Plumas Joint Unified School District

4/3/19
Date

Michael I. Moore, President
Sierra-Plumas Joint Unified School District
Governing Board

Date

Patricia Hall, President
Sierra County Board of Education

Date

Date presented to the Governing Board: _____

Date adopted by the Governing Board: _____

Doc:2018-19 Negotiations/Completion of Bargaining 2018-2019 Administrative

Negotiations: Confidential Completion of Bargaining 2018-19, March 22, 2019

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD

COMPLETION OF BARGAINING

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA-PLUMAS CLASSIFIED MANAGEMENT EMPLOYEES
FOR 2018-2019 SALARY AND BENEFITS

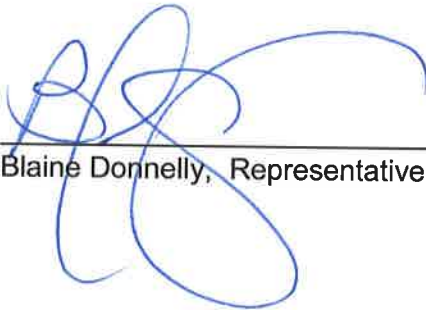
By mutual agreement with Sierra-Plumas Classified Management Employees and Sierra-Plumas Joint Unified School District Governing Board, this Agreement shall conclude 2018-2019 school year negotiations through June 30, 2019.

The SIERRA-PLUMAS CLASSIFIED MANAGEMENT EMPLOYEES voluntarily accept and ratify the Tentative Agreement for the 2018-2019 school year.


Accepted and Ratified

Accepted and Adopted

For the Classified Management Employees: For the Employer(s):



Blaine Donnelly, Representative



Merrill M. Grant, Ed.D.
Superintendent
Sierra County Office of Education
Sierra-Plumas Joint Unified School District

4/2/19

Date

Michael I. Moore, President
Sierra-Plumas Joint Unified School District
Governing Board

Date

Date presented to the Governing Board: _____

Date adopted by the Governing Board: _____

SIERRA COUNTY SUPERINTENDENT OF SCHOOLS
SIERRA COUNTY BOARD OF EDUCATION AND
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD

COMPLETION OF BARGAINING

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT AND
SIERRA COUNTY OFFICE OF EDUCATION
CONFIDENTIAL EMPLOYEES
FOR 2018-2019 SALARY AND BENEFITS

By mutual agreement with Sierra-Plumas Confidential Employees' and Sierra County Superintendent of Schools, Sierra County Board of Education, and Sierra-Plumas Joint Unified School District Governing Board, this Agreement shall conclude 2018-2019 school year negotiations through June 30, 2019.

The SIERRA-PLUMAS CONFIDENTIAL EMPLOYEES voluntarily accept and ratify the Tentative Agreement for the 2018-2019 school year.

Accepted and Ratified
For the Confidential Employees:

Accepted and Adopted
For the Employer(s):



Nona Griesert, Representative
Confidential Employees

3/22/19
Date



Merrill M. Grant, Ed.D.
Superintendent
Sierra County Office of Education
Sierra-Plumas Joint Unified School District

4/2/19
Date

Michael I. Moore, President
Sierra-Plumas Joint Unified School District
Governing Board

Date

Patricia Hall, President
Sierra County Board of Education

Date

Date presented to the Governing Board: _____

Date adopted by the Governing Board: _____

Doc:2018-2019 Negotiations/Completion of Bargaining 2018-19 Confidential
Doc: Confidential/2018-2019 Negotiations/Completion of Bargaining

Negotiations: Confidential Completion of Bargaining 2018-2019, March 22, 2019

POLICY GUIDE SHEET—April 2019

BP/AR 1312.1 – Complaints Concerning District Employees

Requested for Board review.

BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAWS** authorizing the use of uniform complaint procedures (UCP) to resolve allegations of noncompliance with accommodations for pregnant and parenting students (**AB 2289**), the development and adoption of an LCFF budget overview for parents/guardians (**AB 1808**), the development of a school plan for student achievement (**AB 716**), and specified educational rights of migrant students and immigrant students enrolled in a newcomer program (**AB 2121**). Policy also updates section on "Non-UCP Complaints" to reflect **NEW LAW (AB 1808)** which provides that complaints alleging health and safety violations in license-exempt California State Preschool Programs are subject to Williams UCP. Regulation also updates section on "Notifications" to more closely reflect the California Department of Education's (CDE) Federal Program Monitoring instrument, deletes section on "District Responsibilities" which duplicates material in other sections, reorganizes section on "Report of Findings" for clarity, and revises section on "Corrective Actions" to delete item #9 which is not a remedy.

AR/E 1312.4 - Williams Uniform Complaint Procedures

(AR, E(1) and E(2) revised; E(3) and E(4) added)

Regulation updated to reflect **NEW LAW (AB 1808)** which authorizes the use of Williams UCP to resolve allegations of health and safety violations in license-exempt California State Preschool Programs. Regulation also adds optional paragraph authorizing the use of Williams UCP for complaints alleging that a school that serves grades 6-12 and meets a 40 percent student poverty threshold fails to comply with the requirements to stock at least 50 percent of the school's restrooms with feminine hygiene products and to not charge students for such products. Exhibit 1 revised to add the applicable complaint procedure for the types of complaints listed in the notice. Exhibit 2 expands the applicability of the complaint form to include complaints alleging the failure to provide feminine hygiene products. New Exhibits 3 and 4 provide a sample notice and complaint form for complaints regarding health and safety in license-exempt preschool programs pursuant to AB 1808.

AR 1340 - Access to District Records

(AR revised)

Regulation updated to revise section on "Public Records" to delete legal cite which was repealed pursuant to **NEW LAW (AB 716)** and to include any district or school plan, unless otherwise prohibited by law, as a public record to which members of the public have access. Regulation also updated to reflect the prohibition against disclosing an individual's citizenship or immigration status or religious beliefs, practices, or affiliation to federal government authorities.

AR 5125.2 - Withholding Grades, Diploma and Transcripts

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1974)** which allows districts to offer any student, other than a current or former homeless student, nonmonetary means to settle debt owed for property loss or damage resulting from the student's willful misconduct and to withhold the student's grades, diploma, and/or transcripts until the work or other alternative is completed.

BP 5127 - Graduation Ceremonies and Activities

(BP revised)

Policy updated to provide optional language providing that passage of any of the three high school equivalency tests approved by the State Board of Education is not equivalent to completing all graduation requirements for participation in graduation ceremonies. Option for student-initiated, student-led prayer at graduation ceremonies deleted consistent with court decisions which suggest that such prayer could be unconstitutional. Policy also reflects **NEW LAW (AB 1248)** which permits students to wear tribal regalia or recognized religious or cultural adornments to the cap and gown, unless the district determines that an item is likely to cause substantial disruption of the ceremony.

BB/E 9323.2 - Actions by the Board

(BB/E(1)/E(2) revised)

Bylaw updated to reference the timelines by which a civil action may be filed to determine the applicability of the Brown Act to past board actions, and to clarify the circumstances under which a board action cannot be invalidated. Exhibit 1 updated to consolidate several items related to siting a community day school on an existing school site, add board action to respond to an emergency facilities condition without giving notice for bids to let contracts (requiring two-thirds vote for three-member boards, or four-fifths vote for five-member and seven-member boards), and reflect **NEW LAW (AB 2249)** which amends the threshold requirements for public works projects bid pursuant to the Uniform Public Construction Cost Accounting Act. Section on "Actions Requiring a Unanimous Vote of the Board" updated to further explain the ability to authorize the use of day labor or force account and/or waive the competitive bid process when the board determines that an emergency exists. Exhibit 2 contains minor revision for clarity.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Complaints Concerning District Employees

BP 1312.1

Community Relations

The Board of Education accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Policy adopted: April 10, 2007

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Complaints Concerning District Employees

AR 1312.1

Community Relations

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

- a. The full name of each employee involved
- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
- c. A copy of the signed original complaint
- d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007

Sierra County/Sierra-Plumas Joint USD

Board Policy

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. See the section "Complaints Subject to UCP" below for a list of programs and activities subject to these procedures pursuant to state law.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such complaint procedures to be "prompt and equitable." OCR evaluates a district's procedures based on factors specified in the accompanying administrative regulation, including whether the procedures (1) provide notice to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

The following policy and accompanying administrative regulation reflect all components required by law and the FPM instrument. Additional details provided herein may help districts during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

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 early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

Note: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Items #1-12 list all programs and activities identified in the FPM instrument. The district may revise the following items to reflect the programs it offers and the grade levels it serves.

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~~laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs;₂ After School Education and Safety programs;₂ agricultural ~~vocational-career technical~~ education;₂ American Indian education centers and early childhood education program assessments;₂ bilingual education,~~peer assistance~~;₂ California Peer Assistance and ~~review~~Review programs for teachers;₂ state career technical and technical education, career technical, and technical training programs;₂ federal career technical education; child care and development programs;₂ child nutrition programs;₂ compensatory education;₂ consolidated categorical aid programs;₂ Economic Impact Aid;~~English learner programs, federal education programs in Title I-VII, the federal Every Student Succeeds Act~~; migrant education;₂ Regional Occupational Centers and Programs;₂ school safety plans;₂ special education programs;₂ California State Preschool Programs;₂ Tobacco-Use Prevention Education programs;₂ and any other district-implemented ~~program which is listed in~~state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.62 - Tobacco)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English 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, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) ~~against any student, employee, or other person participating~~ in district programs and activities, including, ~~but not limited to, in~~ those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, 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~~the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
(cf. 5146 - Married/Pregnant/Parenting Students)

Note: Education Code 46015, as added by AB 2289 (Ch. 942, Statutes of 2018), authorizes the use of UCP for complaints alleging the district's noncompliance with requirements related to the provision of parental leave to a pregnant or parenting student or other accommodations to which pregnant and parenting students are entitled pursuant to Education Code 46015.

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)
5. Any complaint alleging district noncompliance with 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)

Note: Pursuant to Education Code 52075, any complaint alleging noncompliance with the requirements of Education Code 52060-52077 may be filed in accordance with the district's UCP. Pursuant to Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), by July 1, 2019 districts are required to develop a local control funding formula budget overview for parents/guardians in conjunction with the LCAP.

6. Any complaint alleging district noncompliance with ~~legal~~applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)
(*cf.* 0460 - Local Control and Accountability Plan)
(*cf.* 3100 - Budget)

Note: Education Code 64001, as amended by AB 716 (Ch. 471, Statutes of 2018), provides for the use of UCP for complaints alleging noncompliance with requirements to develop a school plan for student achievement pursuant to Education Code 64001 and to establish a school site council pursuant to Education Code 65000-65001.

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
(*cf.* 0420 - School Plans/Site Councils)
8. Any complaint, by or on behalf of ~~any~~ student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any ~~legal~~ requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school ~~or~~ district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
(*cf.* 6173.1 - Education for Foster Youth)

Note: Items #9-11 are for use by districts that maintain high schools.

AB 2121 (Ch. 581, Statutes of 2018) amended Education Code 51225.1 and 51225.2 to add authorization to use the district's UCP for any complaint alleging the district's noncompliance with specified educational rights of migrant students and of students enrolled in a newcomer program (i.e., a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency). Also see AR 6175 - Migrant Education Program.

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless student-child or youth as defined in 42 USC 11434a, a former juvenile court school student, ~~or currently enrolled in the district,~~ a child of a military family as defined in Education Code 49701 ~~who transfers into the district after his/her second,~~ or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the ~~award of credit for coursework satisfactorily completed in another school or district or the~~ grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, ~~51225.2~~)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)
10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)
11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
(cf. 6152 - Class Assignment)

Note: Item #12 is for use by districts that maintain elementary schools.

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)
(cf. 6142.7 - Physical Education and Activity)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #13 below.

13. 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

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

14. Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

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 acceptable to all parties. ADR such as mediation may 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.

Note: The following paragraph is **mandated** pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

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

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee 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.

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination 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.
(*cf. 5141.4 - Child Abuse Prevention and Reporting*)
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 fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Note: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing (DFEH). See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Note: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

In addition, Education Code 8235.5, as added by AB 1808, authorizes the use of Williams uniform complaint procedures to address any complaints alleging violations of health and safety requirements applicable to California State Preschool Programs (Education Code 8235-8239.1) that are exempt from licensing pursuant to Health and Safety Code 1596.792.

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, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 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*
 32280-32289 *School safety plan, uniform complaint procedures*
 33380-33384 *California Indian Education Centers*
 35186 *Williams uniform complaint procedures*
 44500-44508 *California Peer Assistance and Review Program for Teachers*
46015 *Parental leave for students*
 48853-48853.5 *Foster youth*
 48985 *Notices in language other than English*
 49010-~~49013~~49014 *Student fees*
 49060-49079 *Student records, especially:*
 49069.5 ~~Rights~~Records of ~~parents~~foster youth
 49490-49590 *Child nutrition programs*
 49701 *Interstate Compact on Educational Opportunity for Military Children*
 51210 *Courses of study grades 1-6*
 51223 *Physical education, elementary schools*
 51225.1-51225.2 *Foster youth, homeless children, former juvenile court school students, ~~and~~ military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements*
 51226-51226.1 *Career technical education*
 51228.1-51228.3 *Course periods without educational content*
 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*
 52300-52462 *Career technical education*
 52500-52616.24 *Adult schools*
 54000-54029 *Economic Impact Aid*
 54400-54425 *Compensatory education programs*
 54440-54445 *Migrant education*
 54460-54529 *Compensatory education programs*
 56000--56865 *Special education programs*
 59000-59300 *Special schools and centers*
 64000-64001 *Consolidated application process; school plan for student achievement*
65000-65001 *School site councils*
GOVERNMENT CODE
 11135 *Nondiscrimination in programs or activities funded by state*
 12900-12996 *Fair Employment and Housing Act*
HEALTH AND SAFETY CODE
1596.792 *California Child Day Care Act; general provisions and definitions*
1596.7925 *California Child Day Care Act; health and safety regulations*
 104420 *Tobacco-Use Prevention Education*
PENAL CODE
 422.55 *Hate crime; definition*
 422.6 *Interference with constitutional right or privilege*
CODE OF REGULATIONS, TITLE 2
 11023 *Harassment and discrimination prevention and correction*
CODE OF REGULATIONS, TITLE 5
3080 *Applicability of uniform complaint procedures to complaints regarding students with disabilities*
 4600-~~4687~~4670 *Uniform complaint procedures*
4680-4687 *Williams 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*
 6301-6576 *Title I Improving the Academic Achievement of the Disadvantaged*

6801-7014 *Title III language instruction for limited English proficient and immigrant students*

~~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*

~~12101-12213 *Title II equal opportunity for individuals with disabilities*~~

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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, August 2013 October 2014

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: <https://www2.ed.gov/policy/gen/guid/fpco>

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

U.S. Department of Justice: [-http://www.justice.gov](http://www.justice.gov)

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

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Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP).

Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as the ~~Governing Board of Education~~ may otherwise specifically provide in other district policies, these 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. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer."

The district designates the individual(s), position(s), or unit(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), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment ~~as the responsible employee(s)~~ ~~to handlefor handling~~ complaints regarding unlawful discrimination (such as discriminatory

harassment, intimidation, or bullying). The ~~individual~~compliance officer(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
 PO Box 955
 109 Beckwith Road
 Loyalton, CA 96118
 (530) 993-1660 Ext. 110
 mgrant@spjUSD.org

In no instance shall a compliance officer be assigned to a complaint in which ~~he/she~~the compliance officer has a bias or conflict of interest that would prohibit ~~him/her from fairly investigating the fair investigation~~ or ~~resolving~~resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Note: 5 CCR 4621 mandates that the district's policy provide that employees responsible for compliance and/or for investigating and resolving complaints are knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees 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. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned 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 result 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 one or more interim measures. The interim measures shall 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)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 5145.6 - Parental Notifications)

Note: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. During the FPM process, CDE staff will check the notice to ensure that it contains the components specified below.

A sample of the annual notice is available through the CDE web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
(cf. 0460 - Local Control and Accountability Plan)
(cf. 3260 - Fees and Charges)
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred
5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)
(cf. 6175 - Migrant Education Program)
6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available to him/her under state or federal antidiscrimination laws, if applicable
10. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

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.

Filing of Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

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 writing and signed by the complainant. -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)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to ~~the~~-UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 mandates districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees. Pursuant to Education Code 52075, anonymous complaints are permitted with regard to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

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. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. 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 (such as discriminatory harassment, intimidation, or bullying) may be filed only by ~~a person~~ ~~persons~~ who ~~alleges~~ ~~allege~~ that ~~he/she/they~~ ~~have~~ personally suffered ~~the~~ unlawful discrimination or ~~by a person~~ who ~~believes~~ ~~believe~~ that an individual or any specific class of individuals has been subjected to ~~it~~ ~~unlawful discrimination~~. The complaint shall be initiated no later than six months from the date ~~when~~ ~~that~~ the alleged unlawful discrimination occurred, or six months from the date ~~when~~ ~~that~~ 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.

Note: OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that the complainant's name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. The OCR publication acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when ~~he/she is~~ not the complainant, requests confidentiality, the compliance officer shall inform ~~him/her~~ the complainant or victim 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 shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.

Within three business days after receiving the complaint, the compliance officer ~~receives the complaint, he/she~~ may informally discuss with all the parties the possibility of using 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 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/heran 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 upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, the timeline specified below may be modified to reflect district practice.

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or ~~his/her~~the complainant's 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.

Note: In the investigation, the compliance officer should consider all relevant circumstances, such as how the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

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~~The compliance officer 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. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To 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.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

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. Similarly, a respondent'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 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)

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)

Timeline for Final Decision

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination to ensure the process is equitable for all involved. Furthermore, OCR recommends notifying the respondent in such a complaint whenever the complainant approves an extension of the timeline. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1:

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

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

OPTION 2:

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she/the complainant may, within five business days, file his/her/the complaint in writing with the Board.

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.

When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent ~~also~~ **shall be informed of any extension of the timeline agreed to by the complainant**, shall be sent the district's **final written** decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the **district's final written** 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 (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. The manner in which 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 (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, 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.

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., an order that the alleged offender stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

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 who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in 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 pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

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

1. He/she**The complainant** 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 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 within 180 days of the alleged discrimination.

Corrective Actions

Note: The following section may be revised to reflect district practice.

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.

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

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

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
(cf. 6164.5 - Student Success Teams)
6. Denial of participation in extracurricular or ~~co-curricular~~cocurricular activities or other privileges as permitted by law
(cf. 6145 - Extracurricular and Cocurricular Activities)
7. Disciplinary action, such as suspension or expulsion, as permitted by law
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

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

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.

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for elementary students' physical education, pursuant to Education Code 51223. Districts that do not maintain elementary schools should delete reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, 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, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, 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

Note: 5 CCR 4632-4633 provide that complainants may appeal to CDE if they disagree with the district's decision on any matter within the scope of the UCP, as provided below.

Any complainant who is dissatisfied with the district's final written decision ~~on~~ a complaint regarding any specified federal or state educational program subject to ~~the~~ UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR 4632)

The complainant ~~or respondent~~ shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Note: Although not required pursuant to 5 CCR 4631-4633, OCR recommends that the right to appeal the district's decision to CDE be extended to the respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) to ensure fairness for all parties involved. The following paragraphs reflect OCR's recommendation.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the ~~complainant or respondent~~ district's decision has been appealed ~~the district's decision~~, the Superintendent or designee shall forward the following documents to 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 UCP
7. Other relevant information requested by CDE

Note: CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007
revised: September 11, 2012
revised: February 12, 2013
revised: February 11, 2014
revised: December 9, 2014
revised: April 12, 2016
revised: October 11, 2016
revised: June 13, 2017
revised: April 10, 2018
revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Community Relations

AR 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687. In addition, pursuant to Education Code 8235.5, as added by AB 1808 (Ch. 32, Statutes of 2018), California State Preschool Programs (CSPP) (Education Code 8235-8239.1) that are exempt from licensing pursuant to Health and Safety Code 1596.792 must utilize district complaint procedures, with modifications as necessary, to resolve allegations of noncompliance with applicable health and safety requirements. The Legislative Counsel's Digest of AB 1808 clarifies that the Williams uniform complaint procedures are the applicable procedures.

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

Types of Complaints

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

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials. *(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: [\(Education Code 35186; 5 CCR 4682\)](#)

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
(cf. 4112.22 - Staff Teaching English Learners)
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

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

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

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

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

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

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

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

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

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

Note: The following optional paragraph is for use by districts that maintain any of grades 6-12. Education Code 35292.6 requires a school that serves any of grades 6-12 and meets a 40 percent student poverty threshold, as defined in 20 USC 6314, to stock at least 50 percent of the school's restrooms with feminine hygiene products for use in connection with the menstrual cycle, and to not charge students for such products. See AR 3517 - Facilities Inspection. Although Education Code 35292.6 does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code 35292.6 in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

Note: Item #4 is for use by districts that operate one or more CSPP programs which are exempt from licensure by Health and Safety Code 1596.792 and are subject to the health and safety requirements of Health and Safety Code 1596.7925, as added by AB 1808. Pursuant to Health and Safety Code 1596.7925, the California Department of Education (CDE) must adopt regulations by July 1, 2019, that contain the program requirements specified below.

4. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)
 - a. The preschool does not have outdoor shade that is safe and in good repair.
 - b. Drinking water is not accessible and/or readily available throughout the day.
 - c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
 - d. Restroom facilities are not available only for preschoolers and kindergartners.
 - e. The preschool program does not provide visual supervision of children at all times.
 - f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

g. Playground equipment is not safe, in good repair, or age appropriate.

Forms and Notices

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

Note: Education Code 8235.5 and 35186 require that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 8235.5 and 35186 require that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for sample forms and classroom notices.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)

The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)

Filing of Complaint

Note: Education Code 8235.5 and 35186 require that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, CDE staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. ~~The principal or designee shall forward a~~ complaint about problems beyond ~~his/her~~ the authority of the principal or preschool administrator shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)

Investigation and Response

The principal/preschool administrator or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within ~~his/her~~ their authority. ~~He/she~~ (Education Code 8235.5, 35186; 5 CCR 4685)

Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)

The principal/preschool administrator or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 8235.5, 35186; 5 CCR 4685)

~~Complaints may be filed anonymously.~~ If the complainant has indicated on the complaint form ~~that he/she would like a desire to receive~~ a response to the complaint, the principal ~~or~~ preschool administrator or Superintendent's designee shall report the resolution of the complaint to ~~him/her at the mailing address indicated on the complaint form~~ the complainant within 45 working days of the initial filing of the complaint. ~~At the same time,~~ If the principal or designee shall/preschool administrator makes this report, the ~~same~~ information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5, 35186; 5 CCR 4680, 4685)

Note: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 8235.5 and 35186 require that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 8235.5, 35186)

If a complainant is not satisfied with the resolution of a complaint, ~~he/she~~ the complainant has the right to describe the complaint to the Governing Board of Education ~~of Education~~ at a regularly scheduled meeting. (Education Code 8235.5, 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a or #4 in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal preschool administrator or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. ~~The~~ complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 8235.5, 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 8235.5, 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

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

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 8235.5, 35186; 5 CCR 4686)

*Legal Reference:*EDUCATION CODE*234.1 Prohibition of discrimination, harassment, intimidation, and bullying**1240 County superintendent of schools, duties**8235-8239.1 California State Preschool Programs, especially:**8235.5 California State Preschool Program, complaints regarding health and safety issues**17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account**33126 School accountability report card**35186 Williams uniform complaint procedures**35292.5-35292.6 Restrooms, maintenance and cleanliness**48985 Notice to parents in language other than English**60119 Hearing on sufficiency of instructional materials*HEALTH AND SAFETY CODE*1596.792 California Child Day Care Act; general provisions and definitions**1596.7925 California Child Day Care Act; health and safety regulations*CODE OF REGULATIONS, TITLE 5*4600-4670 Uniform complaint procedures**4680-4687 Williams uniform complaint procedures*UNITED STATES CODE, TITLE 20*6314 Title I schoolwide program**Management Resources:*WEB SITES*CSBA: <http://www.csba.org>**California County Superintendents Educational Services Association: <http://www.ccsesa.org>**California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>**State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>***SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT****Regulation approved: April 10, 2007****revised: August 11, 2009****revised: February 8, 2011****revised: October 14, 2014****revised: April 9, 2019**

Sierra County/Sierra-Plumas Joint USD

Exhibit

Community Relations _____ E(1) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Education Code 35186 requires that the following notice be posted in each K-12 classroom in each school in the district. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that a notice is placed in each classroom in each school and that the notice contains all the information described below.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: K-12 COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. -There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. -The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Note: Education Code 35186 requires that the notice inform parents/guardians of the location to obtain a complaint form and provides that posting a notice downloadable from the CDE's web site will satisfy this requirement. The law does not require that complaint form be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or

downloaded from the school or district web site ~~at www.sierraofficeofeducation.org~~. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

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

Exhibit version: April 10, 2007

revised: August 11, 2009

revised: September 11, 2012

revised: October 14, 2014

revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Exhibit

Community Relations _____ E(2) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

K-12 COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

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

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

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

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

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

A student does not have access to textbooks or instructional materials to use at home or after school. -This does not require two sets of textbooks or instructional materials for each student.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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

A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

Loyalton High School, Principal
PO Box 37, 700 Fourth Street
Loyalton, CA 96118

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

(Signature)

(Date)

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Exhibit version: April 10, 2007
revised: September 11, 2012
revised: June 17, 2013
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revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Exhibit

Community Relations

E(3) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Education Code 8235.5, as added by AB 1808 (Ch. 32, Statutes of 2018), requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8235-8239.1). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the Williams uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

Note: Education Code 8235.5 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the CDE's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site:

<http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Exhibit version: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Exhibit

Community Relations

E(4) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Pursuant to Education Code 8235.5, as added by AB 1808 (Ch. 32, Statutes of 2018), Williams uniform complaint procedures should be used for complaints alleging that a license-exempt California State Preschool Program (CSPP) does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 8235.5 requires that the complaint procedures in 5 CCR 4680-4687 be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

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

School name/address: _____

Room number/name of room/location of facility: _____

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

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

The preschool does not have outdoor shade that is safe and in good repair.

Drinking water is not accessible and/or readily available throughout the day.

- The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- Restroom facilities are not available only for preschoolers and kindergartners.
- The preschool program does not provide visual supervision of children at all times.
- Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Note: Education Code 8235.5, as added by AB 1808, requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

Downieville Schools, Principal
 PO Drawer B, 130 School Street
 Downieville, CA 95936

Loyalton Elementary School, Principal
 PO Box 127, 111 Beckwith Road
 Loyalton, CA 96118

Loyalton High School, Principal
 PO Box 37, 700 Fourth Street
 Loyalton, CA 96118

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

(Signature)

(Date)

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Community Relations

AR 1340

ACCESS TO DISTRICT RECORDS

Note: Article 1, Section 3 of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Courts broadly interpret rules or laws granting access and narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for restricting access to public records.

The following optional administrative regulation lists those records defined as public and, in contrast, those defined as confidential to which there is no public access. It is not intended to provide an all-inclusive list of records that may be defined as either public or confidential.

Definitions

Note: Pursuant to Government Code 6252, a "public record" includes any writing that relates to district business as defined below.

Emails and other electronic communications related in a substantive manner to district business are considered public records. Furthermore, in *City of San Jose v. Superior Court*, the California Supreme Court held that using a personal account or personal device to send or receive communications regarding public business does not categorically exclude those records from disclosure upon request under the California Public Records Act (CPRA) (Government Code 6250-6270). The court noted that public agencies are required to disclose all applicable records that can be located "with reasonable effort," including those records contained on a public employee's or official's personal device or account. Such searches need not be extraordinary or intrusive. For further information, see CSBA's Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications. Also see the accompanying Board policy, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)

(cf. 9012 - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/hersuch membership, agency, office, or employment. (Government Code 6252)

Public Records

Note: While not specifically enumerated in Government Code 6252, items #1-14 below are items which fall within the definition of "public records."

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)
(*cf.* 3100 - Budget)
(*cf.* 3460 - Financial Reports and Accountability)
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)
(*cf.* 9324 - Minutes and Recordings)
6. Meeting agendas (Government Code 54957.5)
(*cf.* 9322 - Agenda/Meeting Materials)
7. Official communications between the district and other government agencies

Note: District and school plans (e.g., local control and accountability plan, school plan for student achievement, comprehensive safety plan) must generally be accessible to the public. However, pursuant to Education Code 32281, the Governing Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents. See BP 0450 - Comprehensive Safety Plan.

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
(*cf.* 0400 - Comprehensive Plans)
(*cf.* 0420 - School Plans/Site Councils)
(*cf.* 0440 - District Technology Plan)
(*cf.* 0450 - Comprehensive Safety Plan)
(*cf.* 0460 - Local Control and Accountability Plan)
(*cf.* 3516 - Emergencies and Disaster Preparedness Plan)
(*cf.* 3543 - Transportation Safety and Emergencies)
(*cf.* 7110 - Facilities Master Plan)
9. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)
(*cf.* 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: Although Government Code 6254 exempts from disclosure those records pertaining to pending litigation, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that records predating the filing of the lawsuit are subject to disclosure. In Fairley v. Superior Court, a California Court of Appeal concurred and held that documents were exempted only if they were prepared for use in litigation. (See item #2 in the section "Confidential Records" below.) The following item reflects the opinion of the court and the Attorney General. The Board should consult legal counsel if it believes that any document related to litigation should not be disclosed.

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)
(cf. 3320 - Claims and Actions Against the District)
11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
(cf. 9270 - Conflict of Interest)

Note: Generally, the names and salaries of public employees are subject to disclosure under the CPRA. In *Sacramento County Employees Retirement System v. Superior Court*, a California Court of Appeal held that the names and corresponding pension benefits of members of a county retirement system are subject to disclosure and are not considered "individual records of members" protected by Government Code 31532. However, in *International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, the California Supreme Court recognized that, in some instances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances. The Board should consult legal counsel if it believes that any document related to the names and salaries of public employees should not be disclosed.

12. Documents containing names, salaries, and pension benefits of district employees
13. Employment contracts and settlement agreements (Government Code 53262)
(cf. 2121 - Superintendent's Contract)
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)
(cf. 4141/4241 - Collective Bargaining Agreement)
14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Access to public records of the district shall be granted to Governing Board of Education members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

Note: Government Code 6254.29 specifies that the CPRA does not require a district to disclose an employee's social security number and states the Legislature's intent that districts redact social security numbers from any records being disclosed to the public. In addition, Government Code 6254.3 prohibits disclosure of an employee's personal cell phone number and birth date.

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

Confidential Public Records

Note: Pursuant to Government Code 8310.3, districts are prohibited from collecting or disclosing to federal government authorities any personal information regarding an individual's religious beliefs, practices, or affiliation for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.

In addition, Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members. If the district becomes aware of the citizenship or

immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement (ICE), as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order. An ICE "administrative warrant" is not a court order that would allow a district to disclose student records without parent/guardian consent. See BP/AR 5125 - Student Records, BP/AR 5145.13 - Response to Immigration Enforcement, and the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)
(cf. 5145.13 - Response to Immigration Enforcement)

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)
(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

The home addresses, home telephone numbers, personal cell phone numbers, or ~~birthdate~~birth date of employees may only be disclosed as follows: (Government Code 6254.3)

- a. To an agent or a family member of the employee
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

(cf. 4140/4240/4340 - Bargaining Units)

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
(*cf. 4154/4254/4354 - Health and Welfare Benefits*)
4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law
(*cf. 5125 - Student Records*)
(*cf. 5125.1 - Release of Directory Information*)
(*cf. 5125.3 - Challenging Student Records*)
5. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)
(*cf. 6162.51 - State Academic Achievement Tests*)
6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 6254)
8. Library circulation and patron use records of a borrower or patron including, but not limited to, ~~his/her~~ name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to ~~a person~~ persons acting within the scope of ~~his/her~~ their duties in the administration of the library, to ~~a person~~ persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)
(*cf. 6163.1 - Library Media Centers*)

Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.

In Los Angeles County Board of Supervisors v. Superior Court, the California Supreme Court held that invoices for the services of district counsel, or portions of those invoices, may be privileged and therefore exempt from disclosure. The Board should consult with legal counsel to determine what records to disclose in response to a CPRA request for such invoices.

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
(*cf. 9124 - Attorney*)

10. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)
11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)
(cf. 9223 - Filling Vacancies)
12. Minutes of Board meetings held in closed session (Government Code 54957.2)
(cf. 9321 - Closed Session Purposes and Agendas)
13. Computer software developed by the district (Government Code 6254.9)
14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)
(cf. 5141.6 - School Health Services)
16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Note: Item #17 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

17. Any other ~~records~~ records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Note: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/herthe determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. - Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

Note: The following optional paragraph is for use by districts that charge for copies. See the accompanying Board policy.

The Superintendent or designee ~~may~~shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

Note: Government Code 6253.1 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. This assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential.

If the Superintendent or designee denies a request for disclosable records, ~~he/she shall assist~~ the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. -Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5125.2

WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

Note: In certain limited circumstances, state law permits districts to withhold student grades, diplomas, and/or transcripts. Pursuant to Education Code 48904, the district may withhold the grades, diploma, and/or transcripts of a student who willfully cuts, defaces, or otherwise injures any real or personal property belonging to the district, or who willfully does not return district property that was loaned to the student, until the damages are paid. For more information regarding limits of damages, as annually adjusted for inflation, see BP/AR 3515.4 - Recovery for Property Loss or Damage. Pursuant to Education Code 49014, as added by AB 1974 (Ch. 577, Statutes of 2018), a current or former homeless or foster youth is exempted from the requirement to pay damages.

If a student's parents/guardians are unable to pay the damages, Education Code 48904 requires the district to offer an option for the student to provide work in lieu of payment. Pursuant to Education Code 49014, a district may offer any other student regardless of the ability to pay, other than a current or former homeless or foster youth, alternative, nonmonetary means to settle the debt owed as a result of damage or loss of district property. In such cases, the district may withhold the student's grades, diploma, and/or transcripts until the work or other alternative is completed.

Education Code 48904 mandates the Governing Board to establish procedures for withholding a student's grades, diploma, and/or transcripts until reparation is made.

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to ~~him/her upon demand of a district employee~~ the student, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904, 49014)

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5125 - Student Records)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 6161.2 - Damaged or Lost Instructional Materials)

This administrative regulation shall not apply to a student who is a current or former homeless or foster youth. (Education Code 49014)

Before withholding ~~the~~ student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

(cf. 5145.6 - Parental Notifications)

Note: Education Code 48904 mandates that the district's procedures for withholding a student's grades, diploma, and/or transcripts conform to procedures established in the Education Code for student expulsion. For due process procedures related to student expulsion, see BP/AR 5144.1 - Suspension and Expulsion/Due Process.

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

~~If the student and parents/guardians are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student in lieu of monetary damages. Upon completion of the voluntary work, the student's grades, diploma, and/or transcripts shall be released. (Education Code 48904)~~

When a student who is transferring into the district has had ~~his/her~~ grades, a diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma, and/or transcripts will be enforced by the new district. (Education Code 48904.3)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49014 Public School Fair Debt Collection Act

49069 Absolute right to access

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

Regulation approved: April 10, 2007

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revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Board Policy

Students

BP 5127

GRADUATION CEREMONIES AND ACTIVITIES

Note: The following **optional** policy is for use by any district that maintains a high school and should be modified to reflect district practice.

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. -The **Governing Board of Education** believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving his/hers diploma.- When the requirements have been satisfied, a diploma shall be sent to the student.

Note: There are three high school equivalency tests that are approved by the State Board of Education for the purpose of receiving a California High School Equivalency Certificate: the General Educational Development Test (GED), the High School Equivalency Test, and the Test Assessing Secondary Completion. In addition, students age 16 or older may take the California High School Proficiency Examination (CHSPE) for the purpose of receiving a Certificate of Proficiency, which is equivalent to a high school diploma. On its web site, the California Department of Education (CDE) indicates that a student's successful completion of a high school equivalency test or the CHSPE is not equivalent to completing all coursework required for regular graduation from high school. The following **optional** paragraph provides that students receiving such certificates are not eligible to participate in graduation ceremonies and may be revised to reflect district practice.

High school students who have passed a high school equivalency test or the California High School Proficiency Examination must also meet district graduation requirements in order to participate in graduation ceremonies.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Note: School-sponsored and school-directed prayer at public high school graduation ceremonies has been ruled unconstitutional by both the U.S. Supreme Court (Lee v. Weisman) and the California Supreme Court (Sands v. Morongo Unified School District). However, the law is unclear as to whether student-led, student-initiated prayer at graduation ceremonies is constitutional. In Cole v. Oroville Union High School District, the 9th Circuit Court of Appeals found that it would be unconstitutional for a district to allow a student to give a sectarian and proselytizing invocation at graduation. In that case, the district had developed a policy whereby students determined whether an invocation would be granted and, if so, would then select a fellow student to deliver it. The principal would then review the content of the student invocation for proselytizing messages. The court upheld

the policy authorizing principal review, but did not rule on the underlying policy allowing the invocation. Some attorneys have argued that the U.S. Supreme Court's decision in Santa Fe Independent School District v. Doe, which found unconstitutional a district policy allowing student-led, student-initiated prayers at football games, would also apply to student-led, student-initiated prayer and invocations at graduation ceremonies. In Workman v. Greenwood Community School Corporation, a federal district court in Indiana relied on the holdings in Lee and Santa Fe to grant a preliminary injunction prohibiting the district from permitting students to lead a prayer during the graduation ceremony even though the invocation was chosen through election by the senior class. The court reasoned that attendance at the graduation was functionally obligatory and the election was school sponsored. Because this issue has not been authoritatively resolved by the courts, it is strongly recommended that districts consult legal counsel prior to adopting policies or procedures allowing prayer at graduation. See also the U.S. Department of Education's Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools.

Invocations, prayers, or benedictions shall not be included in graduation ceremonies.- The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

Honors and Awards

Note: The following optional section may be modified to reflect district practice. Districts that choose to recognize students for outstanding academic performance should adopt procedures for selecting honorees and notifying students and their parents/guardians. Such rules, procedures, and criteria may be added to this section.

To honor superior academic achievement, graduation ceremonies shall include recognition of valedictorian(s) and salutatorian(s). ~~The Superintendent or designee~~ Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that ensure a fair determination use multiple measures of the valedictorian(s) and salutatorian(s) academic performance.

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

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and ~~nonschool~~ non-school awards.

(cf. 5126 - Awards for Achievement)

Graduation Attire

Note: Under the authority granted the Governing Board to regulate student conduct, the Board may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony. In its Fiscal Management Advisory 17-01, Pupil Fees, Deposits, and other Charges, CDE advises that a district that requires its students to wear a cap and gown as a condition of their participation in the high school graduation ceremony may not require such students to purchase the cap and gown. CDE recommends that such districts provide the graduates with a cap and gown for their use at the graduation ceremony and inform them that those interested may purchase a cap and gown from a vendor. See AR 3260 - Fees and Charges.

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

(cf. 3260 - Fees and Charges)

Any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at the student's option, wear a military dress uniform at the ceremony. (Education Code 51225.535183.3)

Note: The following optional paragraphs may be revised to reflect district practice. Education Code 35183.1, as added by AB 1248 (Ch. 804, Statutes of 2018), permits students to wear tribal regalia or recognized objects of religious or cultural significance as an adornment to the customary cap and gown. However, the district may exercise discretion to prohibit any item that is likely to cause a substantial disruption of, or material interference with, the ceremony.

Students shall be permitted to wear tribal regalia or recognized objects of religious or cultural significance as an adornment to the customary ceremonial attire, as long as the adornment does not cause a substantial disruption of, or material interference with, the graduation ceremony. (Education Code 35183.1)

Students who desire to wear such adornments shall seek permission from the Superintendent or designee at least 14 days before the graduation ceremony.

Disciplinary Considerations

Note: The following optional section may be revised to reflect district practice. The withholding of a diploma is governed by Education Code 48904 and is separate from the denial of participation in graduation ceremonies; see AR 5125.2 - Withholding Grades, Diploma or Transcripts and BP 6161.2 - Damaged or Lost Instructional Materials. Even though the graduation ceremony is not an essential component to the granting of a diploma, it is an important symbolic event. Therefore, it is recommended that districts provide some due process before denying a student the privilege of participating in the ceremony.

Students are expected to comply with district and school policies, regulations, and rules throughout the school session, including during graduation and related events. Students shall not be denied the privilege of participating in graduation ceremonies and activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the principal or designee has informed the student and the student's parents/guardians of the misconduct and has given them an opportunity to respond.

(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or that poses a risk to safety.

High school seniors shall be notified of this policy in advance, through the student handbook or other means, and shall be required to acknowledge receiving it.

*Legal Reference:*EDUCATION CODE*35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance**35183.3 Graduation ceremonies; military dress uniforms**38119 Lease of personal property; caps and gowns**48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts**51225.5 Honorary diplomas; foreign exchange students**51410-51413 Diplomas*COURT DECISIONS*Workman v. Greenwood Community School Corporation, (2010) Case No. 1:2010cv00293**Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092**Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290**Lee v. Weisman, (1992) 505 U.S. 577**Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863**Lemon v. Kurtzman, (1971) 403 U.S. 602**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003*WEB SITES*AASA The School Superintendents Association: <http://www.aasa.org>**Antidefamation League: <https://www.adl.org>**California Department of Education, High School: <http://www.cde.ca.gov/ci/gS/hs>**U.S. Department of Education: <http://www.ed.gov>*

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

Policy adopted: April 10, 2007

revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Board Bylaw

Board Bylaws _____ BB 9323.2

ACTIONS BY THE BOARD

Note: Pursuant to Education Code 35164, a majority vote of all members of the Governing Board is necessary for an item to carry, even in those cases where some members are absent. Thus, for districts with a five-member board, an item will pass with three votes, even if only three members are present or there is a vacancy. Education Code 35165 details the effect of a vacancy in districts with a seven-member board. For language regarding vote requirements when a board member abstains, see BB 9323 - Meeting Conduct.

The law specifies certain board actions as requiring more than a majority vote; see E(1) 9323.2 for a list of such actions.

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

Note: The Brown Act (Government Code 54950-54963) generally prohibits any action or discussion of items not on the posted agenda. However, Government Code 54954.2 provides for three specific and narrow situations in which the Board can act on an item not on the agenda, as specified below. Board members may also briefly respond to questions raised by members of the public concerning items not on the agenda; see BB 9323 - Meeting Conduct.

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Challenging Board Actions

Note: Government Code 54960 grants authority to the district attorney or any interested person to file a civil action asking the court to order the Board to stop or prevent Brown Act violations specified below. The Board should respond to legal challenges to its actions and consult legal counsel when necessary. Pursuant to Government Code 54960.5, a court may award court costs and reasonable attorney's fees to a plaintiff who successfully invalidates a Board action in violation of the Brown Act or successfully enforces one of the Brown Act's civil remedies provided in Government Code 54960-54960.2.

The district attorney's office or any interested person may file an action in court ~~to stop~~ for the purpose of: (Government Code 54960, 54960.2)

1. Stopping or ~~prevent~~ preventing the Board's violation or ~~threats of violations~~ threatened violation of the Brown Act
2. Determining the applicability of the Brown Act to ongoing or future threatened Board actions
3. Determining the applicability of the Brown Act to a past action of the Board that is not specified in Government Code 54960.1, provided that:
 - a. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.

Note: Pursuant to Government Code 54960.2, the Board may respond within 30 days of receiving the cease and desist letter. If the Board decides to respond to the letter with an unconditional commitment to desist from repeating the past action, the unconditional commitment is required to be substantially in the same form provided in Government Code 54960.2 and to be approved in an open session of the Board's regular or special meeting. For a sample unconditional commitment letter, see E(2) 9323.2.

- b. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.
 - c. The action is brought within the time required by Government Code 54960.2.
4. Determining the validity, under ~~California state~~ or federal law, of any Board rule or action ~~to penalize which penalizes~~ any of its members or otherwise ~~discourage the member's discourages their~~ expression, ~~or to compel~~

5. Compelling the Board to audio record its closed sessions because of ~~its~~ a court's finding of the Board's violation of any applicable Government Code provision. ~~(Government Code 54960)~~

Note: Pursuant to Government Code 54960.1, the district attorney's office or any interested person may file a lawsuit to invalidate (i.e., declare null and void) actions that violate specific provisions of the Brown Act listed in Government Code 54960.1 and specified below. However, even when the action may normally be subject to invalidation, Government Code 54960.1 provides that in certain circumstances (e.g., when there has been substantial compliance with the Brown Act or the Board action resulted in a contract with a party who detrimentally relied on the action in good faith and without notice of a challenge to its validity), the action may not be invalidated.

Before seeking court action, the person who believes a violation occurred must send a written demand to the Board to "cure or correct" the action as specified below. Because the laws regarding these provisions are complex, it is recommended that the district consult with legal counsel upon receipt of a "cure and correct" demand.

The district attorney or any interested person may ~~present a demand that the Board cure and correct~~ file an action in court to nullify a Board action which ~~he/she alleges~~ is alleged to be in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

~~Any~~ Prior to bringing any action to nullify a Board action, the district attorney or other interested person shall present a demand to "cure and correct" ~~an~~ the alleged violation. The demand shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. ~~If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)~~

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day ~~review~~ period, its inaction shall be considered a decision not to cure or correct the challenged action.

*Legal Reference:*EDUCATION CODE

15266 School construction bonds
 17466 Declaration of intent to sell or lease real property
 17481 Lease of property with residence for nondistrict purposes
 17510-17512 Leasing for production of gas, resolution requiring unanimous vote
 17546 Private sale of personal property
 17556-17561 Dedication of real property
 35140-35149 Meetings
 35160-35178.4 Powers and duties
 48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue
 1245.240 Eminent domain vote requirements
 1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities
 53724 Parcel tax resolution requirements
 53790-53792 Exceeding the budget
 53820-53833 Temporary borrowing
 53850-53858 Temporary borrowing
 54950-54963 The Ralph M. Brown Act, especially:
 54952.6 Action taken, definition
 54953 Meetings to be open and public; attendance; prohibition against secret ballots
 54960-54960.5 Actions to prevent violations
 65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications
 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
 20113 Emergencies, award of contracts without bids
 20114 Repairs, maintenance, and improvements to district facilities by day labor or force account
 22034 Uniform Public Construction Cost Accounting Act informal bidding ordinance
 22035 Repair or replacement of facilities in case of emergency
 22050 Emergency contracting procedures

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

*Management Resources:*CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010

WEB SITES

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

Institute for Local Government: <http://www.ca-ilg.org>

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Bylaw adopted: April 10, 2007
 revised: May 10, 2011
 revised: February 12, 2013
 revised: April 9, 2019

Sierra County/Sierra-Plumas Joint USD

Exhibit

Board Bylaws E(1) 9323.2

ACTIONS BY THE BOARD

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Note: The following exhibit lists some of the Governing Board actions that require more than a simple majority vote. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds Vote of the Board:

Note: For an action requiring a two-thirds vote to pass, a three-member board will need two board members to vote in favor of the item, a five-member board will need four board members to vote in favor of the item, and a seven-member board will need five board members to vote in favor of the item.

1. Resolution declaring the Governing Board's intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring the Board's intent ~~of Board of Education~~ to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

Note: Item #5 below is different from temporary borrowing pursuant to Government Code 53850-53858 which requires only a majority vote of the Board.

5. Request for temporary borrowing ~~pursuant to Government Code 53820-53833, of funds needed for immediate requirements of the district~~ to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)

7. When the district ~~has an average daily attendance (ADA) of 2,500 or less and seeks to situate~~ is organized to serve only grades K-8, action to establish a community day school ~~on an existing school site, certification that satisfactory alternative facilities are not available for a community day school~~ any of grades K-8 (Education Code ~~4866148660~~)
(cf. 6185 - Community Day School)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)
(cf. 7214 - General Obligation Bonds)
10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)
(cf. 7213 - School Facilities Improvement Districts)
11. Resolution to place a parcel tax on the ballot (Government Code 53724)

Note: Code of Civil Procedure 1245.240 requires that, prior to commencing an eminent domain action, the Board adopt a resolution of necessity approved by a two-thirds vote of the Board unless a greater vote is required by statute, charter, or ordinance. In addition, if the Board desires to use the property for a different purpose than stated in the resolution of necessity, then pursuant to Code of Civil Procedure 1245.245, the Board must adopt, by two-thirds vote, another resolution authorizing the different use unless a greater vote is required by statute, charter, or ordinance.

12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Note: Item #13 is for use by three-member boards.

13. When the district has a three-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the

Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)
(*cf. 9320 - Meetings and Notices*)
(*cf. 9321 - Closed Session Purposes and Agendas*)

Actions Requiring a Four-Fifths Vote of the Board:

Note: For an action requiring a four-fifths vote to pass, a three-member board will need a unanimous vote in favor of the item, a five-member board will need four board members to vote in favor of the item, and a seven-member board will need six board members to vote in favor of the item.

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)
(*cf. 3110 - Transfer of Funds*)
2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)
(*cf. 3311 - Bids*)

Note: Item #5 is for use by districts governed by a five-member or seven-member board.

5. When the district has a five-member or seven-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Note: AB 2249 (Ch. 169, Statutes of 2018) amended Public Contract Code 22034 to change the thresholds for public works projects bid pursuant to the Uniform Public Construction Cost Accounting Act, thereby increasing the amount requiring board resolution, as provided in item #6.

6. Resolution to award a contract for a public works project at ~~\$187~~212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under

the Uniform Public Construction Cost Accounting Act for projects of \$~~175200~~,000 or less, all bids received are in excess of \$~~175200~~,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a ~~community~~-lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. ~~Waiver~~Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property ~~in the local dump~~ or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)
(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Exhibit version: February 12, 2013
revision: December 9, 2014
minor revision: June 14, 2016
revision: April 9, 2019

Sierra County/Sierra-Plumas Joint USD Exhibit

Board Bylaws

E(2) 9323.2

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

Note: Government Code 54960 authorizes the district attorney or other interested person to file an action in court to determine the applicability of the Ralph M. Brown Act to any past Governing Board action which is not specified in Government Code 54960.1; see the accompanying board bylaw. Pursuant to Government Code 54960.2, prior to commencing such an action the district attorney or other interested person must send a cease and desist letter to the Board within nine months of the alleged violation. Within 30 days of receiving the cease and desist letter, the Board may respond by sending an unconditional commitment, substantially in the same form provided in Government Code 54960.2, to desist from repeating the past action. If the Board so responds, the district attorney or other interested person may not file an action in court. The following exhibit presents a sample unconditional commitment letter.

To: *(Name of district attorney or any interested person)*

The Governing Board of *(name of school district)* has received your cease and desist letter dated *(date)* alleging that the following past action taken by the Board violates the Ralph M. Brown Act: *(Describe alleged past action as set forth in the cease and desist letter.)*

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)