

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

May 14, 2019

**6:00pm Regular Session**

Sierra County Office of Education, Room 4, 109 Beckwith Rd, Loyalton CA 96118

Videoconferencing will be available at Downieville School, 130 School St, Downieville CA 95936

*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. Superintendent's Report

- a. Academic Advisor/Career Technician Job Description and Revised Salary Schedule\*\*

2. Business Report

- a. Account Object Summary-Balance from 07/01/2018 to 04/30/2019\*\*

3. Staff Reports (5 minutes)

4. Board Member Reports (5 minutes)

5. 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 April 09, 2019\*\*

2. Approval of Board Report-Checks Dated 04/01/2019 through 04/30/2019\*\*

3. Authorization to enter into a Memorandum of Understanding between Sierra County Office of Education and Sierra-Plumas Joint Unified School District, Agreement 2020-01C\*\*

G. ACTION ITEMS

1. New Business

**PUBLIC HEARING – LCAP**

- a. Public Hearing to receive public comment on the Proposed 2019-20 Local Control and Accountability Plan

**PUBLIC HEARING – SCOE Budget**

- b. Public Hearing to receive public comment on the 2019-20 Proposed Budget

***PUBLIC HEARING – Proposition 30, Education Protection Account***

- c. Public Hearing to receive public comment on the use of Proposition 30 Funding for 2019-20

***PUBLIC HEARING – Collective Bargaining Disclosure Statement***

- d. Public Hearing to receive public comment regarding Collective Bargaining Agreements (Item e)
- e. Presentation and Approval of the follow-up Tentative Collective Bargaining Agreement dated April 10, 2019 for Sierra-Plumas Teachers' Association, Certificated Employees, 2018-2019 Negotiations\*\*
- f. Completion of Bargaining, Sierra-Plumas Teachers' Association, Certificated Employees, 2018-2019 Negotiations\*\*
- g. In accordance with Rodda Act, the Classified Employees are Sunshining their proposal to revamp the salary schedules for 2018-2019 Negotiations\*\*
- h. Approval of 2019-2020 Extra Duty Assignments and Stipends\*\*
- i. Adopt Resolution 20-001C, Set Superintendent Salary, 2019-20 Salary\*\*

**BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS**

- j. 1312.4—Williams Uniform Complaint Procedures
  - 1. Administrative Regulation, *revisions\*\**
  - 2. Exhibit(1), *revisions\*\**
  - 3. Exhibit(2), *revisions\*\**
- k. 3100—Budget
  - 1. Board Policy, *revisions\*\**
  - 2. Administrative Regulation, *revisions\*\**
- l. 3260—Fees and Charges
  - 1. Board Policy, *revisions\*\**
  - 2. Administrative Regulation, *revisions\*\**
- m. 3515.4—Recovery from Property Loss or Damage
  - 1. Board Policy, *revisions\*\**
  - 2. Administrative Regulation, *revisions\*\**
- n. 4030—Nondiscrimination in Employment
  - 1. Board Policy, *revisions\*\**
  - 2. Administrative Regulation, *revisions\*\**
- o. 4161.1 & 4361.1—Personal Illness/Injury Leave
  - 1. Administrative Regulation, *revisions\*\**
- p. 4261.1—Personal Illness/Injury Leave
  - 1. Administrative Regulation, *revisions\*\**
- q. 5117—Interdistrict Attendance
  - 1. Board Policy, *revisions\*\**
  - 2. Administrative Regulation, *revisions\*\**
- r. 5145.6—Parental Notifications
  - 1. Exhibit, *revisions\*\**
- s. 5127—Graduation Ceremonies and Activities (Megan Meschery)
  - 1. Administrative Regulation, *revisions requested by Administrators\*\**
- t. 1250—Visitors/Outsiders
  - 1. Board Policy, *for Board review\*\**
  - 2. Administrative Regulation, *for Board review\*\**

H. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on June 11, 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. \_\_\_\_\_
  - b. \_\_\_\_\_

I. ADJOURN



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

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

**Academic Advisor/Career Technician**

**DEFINITION:**

Under the direction and supervision of the County Superintendent or designee, the Academic Advisor/Career Technician coordinates and performs a variety of guidance services appropriate for a high school career planning and college information center. This position supports the site administrator and staff in the implementation of basic career education including college admissions, career planning and other post-secondary options. The Academic Advisor/Career Technician provides assistance to staff and students in the development of various life skill projects to enhance student learning.

**QUALIFICATIONS:**

- Experience working in vocational and career guidance programs or school counseling
- Experience working in business/education partnerships
- Knowledge of computer functions including word processing, computer software programs and spreadsheet applications
- Ability to establish and maintain cooperative working relationships with others in the academic and business/work environment
- Self-motivator and ability to work collaboratively and independently
- Ability to communicate clearly and concisely, both orally and in writing including public speaking skills
- Highly organized and experience in maintaining accurate records and reports
- Strong class-management and interpersonal skills
- High school diploma or equivalent to twelfth grade graduation
- Prefer associate degree or advanced degree in the areas of education, vocational education
- General knowledge of A-G requirements, high school graduation requirements, grade-level district curriculum standards
- California Driver's License
- California Department of Justice clearance

**EXAMPLES OF DUTIES:**

- Coordinates and promotes the services of the career center available to students and staff; provides training for staff related to resources available through the career center
- Attend Conferences; CSU, UC, College Board, Private Schools

- Calculating CSU/UC GPA's and Web grants-Uploading GPA's
- Meeting with individual seniors (transcript review)
- Meeting with juniors and sophomores (transcript review, academic counseling)
- College Night
- FRC College/Career Fair
- PSAT/NMSQT and ASVAB coordination and counseling
- SAT registration reminders and support/waiver distribution
- Senior issues-UC/CSU application process, writing personal essays, common applications
- Meeting UC/CSU/Private School deadlines for applications
- Ongoing with Web grants for Students to ensure FAFSA/CSAC
- Scholarship updating=[loyaltonhighschool.org](http://loyaltonhighschool.org) scholarship page. Contact scholarship orgs. For due dates etc.
- Work with Principal and senior ELA/Math to choose scholarship winners for certain scholarships
- Plan Senior Banquet=Date, contact scholarship orgs., dinner, decorations, invitations
- Hold Senior Banquet
- GPA Calculations
- 4-year planning organization
- Interacts with students, staff and parents to provide resources including books, catalogs, community contacts and computer-aided resources; recommends purchase of career awareness or appropriate educational materials for career center
- Assists and counsels students in obtaining information on colleges, vocational schools, military organizations and exploring careers, career trends and employment opportunities including career assessments and vocational aptitude test results
- Financial Aid Night=FAFSA forms, ongoing to support parents/students on FAFSA
- Guides and assists students with applications, resumes, and job interview preparations
- Initiates relationships between students and community merchants and/or professional business owners; implements job shadowing experiences for students
- Prepares letters and various correspondence
- Coordinates university/college/vocational school visitations and other career awareness activities for students; schedules speakers, college representatives and recruiters

- Organizes all aspects of the annual mock interview project and assists with senior projects; organizes judging panels and participants
- Shares ideas on new career awareness programs and possible improvement of current projects with school staff; participates with implementation of new programs and/or improvements
- Works in concert with teaching staff to develop out-of-classroom career enrichment and life skills enhancement projects infused with standard curriculum
- Recruits and delegates responsibilities amongst community volunteers for career-based and life skills projects
- Collaborate with Future Focus Instructor/Start of year freshman conference
- Sophomore/Junior/Senior Follow up Modules (10 year plan)
- Assemble Career panelists as directed by FF teacher.
- Plan and coordinate College experience field trips (UC Davis/Sac State/JC's/ Career Colleges) etc....(fall for 4-year and/or spring for 2 –year)
- Performs other duties as assigned that support the overall objective of the position

Adopted: September 10, 2002

Revision: June 18, 2014

Revision: November 10, 2015

Revision: May 14, 2019

SIERRA COUNTY OFFICE OF EDUCATION  
Classified Salary Schedule

POSITION	A	B	C	D	E	F	G	H	I	J	K
					YR 5	YR 8	YR 11	YR 14	YR 17	YR 20	YR 25
INSTRUCTIONAL AIDE	12.16	12.87	13.59	14.34	15.08	15.82	16.62	17.47	18.34	19.26	20.22
CUSTODIAN	14.16	15.01	15.84	16.70	17.53	18.39	19.34	20.31	21.31	22.38	23.51
WORKABILITY COORDINATOR	16.20	17.02	17.87	18.75	19.70	20.67	21.71	22.79	23.94	25.13	26.38
CAREER TECH	13.69	14.37	15.09	15.83	16.63	17.47	18.34	19.25	20.21	21.22	22.29
BEHAVIOR ATTENDANT	12.00	12.00	12.19	12.69	13.19	13.72	14.27	14.84	15.43	16.05	16.85
WORKABILITY AIDE	12.76	13.41	14.08	14.78	15.52	16.29	17.11	17.96	18.87	19.80	20.79
GARDEN TECHNICIAN	12.76	13.41	14.08	14.78	15.52	16.29	17.11	17.96	18.87	19.80	20.79
CLERK TYPIST	12.74	13.51	14.28	15.04	15.76	16.56	17.41	18.28	19.19	20.15	21.16
INSTRUCTIONAL AIDE (SH)	13.16	13.95	14.79	15.67	16.46	17.28	18.14	19.05	20.00	21.00	22.05
TRANSPORTATION AIDE	12.00	12.00	12.13	12.73	13.37	14.04	14.74	15.48	16.25	17.06	17.92
<b>ACADEMIC ADVISOR/CAREER TECH</b>	<b>17.51</b>	<b>18.52</b>	<b>19.60</b>	<b>20.60</b>	<b>21.61</b>	<b>22.69</b>	<b>23.82</b>	<b>25.06</b>	<b>26.30</b>	<b>27.63</b>	<b>29.00</b>

Approved May 9, 2017, SH Aide Added September 21, 2017  
 Added Transportation Aide February 13, 2018  
 Approved December 11, 2018 - Minimum Wage Increase Effective 1/1/2019  
 Added Garden Technician March 12, 2019  
**Academic Advisor/Career Tech Proposed May 14, 2019**

Balances through April						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	230,761.00	342,924.00	50,507.60	308,327.63	15,911.23-
1115	Certificated Extra Duty		250.00		60.00	190.00
1120	Certificated Substitutes	75,787.00	16,450.00		8,782.50	7,667.50
1200	Certificated Pupil Support Ser	43,846.00	44,724.00	7,453.82	37,469.03	198.85-
1300	Certificated Supervisor Admini	199,167.00	203,969.00	40,784.42	203,922.18	40,737.60-
1310	Teacher in Charge	10,000.00	10,000.00		1,000.00	9,000.00
	<b>Total for Object 1000</b>	<b>559,561.00</b>	<b>618,317.00</b>	<b>98,745.84</b>	<b>559,561.34</b>	<b>39,990.18-</b>
2100	Instructional Aides' Salaries	120,916.00	134,310.00	26,945.93	92,519.93	14,844.14
2115	Classified Extra Duty	588.00	1,061.00		1,433.50	372.50-
2120	Classified Substitutes	8,000.00	7,950.00		5,467.26	2,482.74
2200	Classified Support Salaries	28,844.00	16,147.00	2,392.71	16,032.25	2,277.96-
2215	Classified Support Extra Duty		1,000.00		771.78	228.22
2300	Classified Supervisors' Admini	95,174.00	95,011.00	16,026.00	80,580.00	1,595.00-
2400	Clerical Technical Office Staf	144,227.00	147,022.00	21,840.48	114,111.50	11,070.02
2420	Clerical Substitute	250.00	250.00			250.00
2900	Other Classified Salaries	16,448.00	16,608.00		2,670.50	13,937.50
	<b>Total for Object 2000</b>	<b>414,447.00</b>	<b>419,359.00</b>	<b>67,205.12</b>	<b>313,586.72</b>	<b>38,567.16</b>
3101	STRS Certificated Positions	114,331.00	111,928.00	15,929.30	74,606.71	21,391.99
3102	STRS Classified Positions	749.00	961.00	152.84	749.25	58.91
3201	PERS Certificated Positions				21.67	21.67-
3202	PERS Classified Positions	73,152.00	73,603.00	11,001.12	56,107.89	6,493.99
3301	OASDI Certificated Positions	155.00			63.86	63.86-
3302	OASDI Classified Positions	23,803.00	24,135.00	3,787.15	17,948.36	2,399.49
3311	Medicare Certificated Position	7,488.00	8,536.00	1,351.92	7,762.11	578.03-
3312	Medicare Classified Positions	5,884.00	5,975.00	957.56	4,461.04	556.40
3401	Health & Welfare Benefits Cert	111,502.00	129,036.00	20,519.86	90,978.14	17,538.00
3402	Health & Welfare Benefits Clas	124,277.00	113,828.00	18,705.20	93,188.73	1,934.07
3501	SUI Certificated	277.00	310.00	49.40	280.47	19.87-
3502	SUI Classified	209.00	209.00	33.60	155.33	20.07
3601	Workers' Compensation Certific	19,974.00	16,859.00	3,121.04	15,074.79	1,336.83-
3602	Workers' Compensation Classifi	15,100.00	13,792.00	2,210.69	8,408.04	3,173.27
3902	Golden Handshake-Class				5,466.00	5,466.00-
	<b>Total for Object 3000</b>	<b>496,901.00</b>	<b>499,172.00</b>	<b>77,819.68</b>	<b>375,272.39</b>	<b>46,079.93</b>
4100	Approved Textbooks Core Curric	672.00	892.00			892.00
4200	Library and Reference Material	1,000.00				.00



Balances through April						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
4300	Materials and Supplies	71,970.00	57,113.00	4,774.15	19,889.18	32,449.67
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	746.44	1,157.01	4,096.55
4400	Noncapitalized Equipment	23,311.00	16,196.00	4,696.84	1,635.08	9,864.08
<b>Total for Object 4000</b>		<b>104,053.00</b>	<b>81,801.00</b>	<b>10,217.43</b>	<b>23,683.58</b>	<b>47,899.99</b>
5100	Subagreements for Services	43,000.00	43,000.00	12,950.80	23,410.00	6,639.20
5200	Travel and Conference	44,755.00	43,841.00	4,725.20	33,822.98	5,292.82
5300	Dues and Membership	19,631.00	20,163.00	371.66	14,125.75	5,665.59
5400	Insurance	9,600.00	11,000.00		9,434.00	1,566.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	3,273.18	6,814.50	887.68-
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	147.98	1,312.89	1,639.13
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	168.00	96.00	578.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	333.26	1,166.74	.00
5810	Contracted Services	457,092.00	406,114.00	109,772.76	260,993.46	35,347.78
5899	SPJUSD to Reimburse			2,118.62	995.62	3,114.24-
5900	Communications	5,200.00	10,500.00	1,585.48	8,179.39	735.13
<b>Total for Object 5000</b>		<b>615,871.00</b>	<b>581,260.00</b>	<b>135,446.94</b>	<b>372,768.83</b>	<b>73,044.23</b>
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
<b>Total for Object 6000</b>		<b>317,664.00</b>	<b>335,664.00</b>	<b>.00</b>	<b>291,968.39</b>	<b>43,695.61</b>
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
<b>Total for Object 7000</b>		<b>24,428.00</b>	<b>29,929.00</b>	<b>.00</b>	<b>3,119.00</b>	<b>26,810.00</b>
<b>Total for Fund 01 and Expense accounts</b>		<b>2,532,925.00</b>	<b>2,565,502.00</b>	<b>389,435.01</b>	<b>1,939,960.25</b>	<b>236,106.74</b>
<b>Fund 11 - ADULT ED</b>						
1300	Certificated Supervisor Admini		80,950.00	14,234.68	27,476.24	39,239.08
3101	STRS Certificated Positions		13,179.00	2,317.40	4,473.13	6,388.47
3311	Medicare Certificated Position		1,174.00	206.40	398.41	569.19

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2019, Period = 10, 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 April						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 11 - ADULT ED (continued)</b>						
3401	Health & Welfare Benefits Cert		17,537.00	2,127.80	3,191.70	12,217.50
3501	SUI Certificated		40.00	7.12	13.74	19.14
3601	Workers' Compensation Certific		2,710.00	476.52	919.79	1,313.69
	<b>Total for Object 3000</b>	<b>.00</b>	<b>34,640.00</b>	<b>5,135.24</b>	<b>8,996.77</b>	<b>20,507.99</b>
4300	Materials and Supplies		5,000.00	93.31	1,016.45	3,890.24
4400	Noncapitalized Equipment		2,685.00	361.76	7,980.62	5,657.38-
	<b>Total for Object 4000</b>	<b>.00</b>	<b>7,685.00</b>	<b>455.07</b>	<b>8,997.07</b>	<b>1,767.14-</b>
5200	Travel and Conference			2,092.05	10,873.24	12,965.29-
5203	MILEAGE				504.60	504.60-
5300	Dues and Membership				160.00	160.00-
5810	Contracted Services		45,000.00	1,144.57	15,999.43	27,856.00
	<b>Total for Object 5000</b>	<b>.00</b>	<b>45,000.00</b>	<b>3,236.62</b>	<b>27,537.27</b>	<b>14,226.11</b>
6200	Building and Improvement of Bu			64,232.00	33,978.25	98,210.25-
6400	Equipment		30,000.00		7,782.25	22,217.75
	<b>Total for Object 6000</b>	<b>.00</b>	<b>30,000.00</b>	<b>64,232.00</b>	<b>41,760.50</b>	<b>75,992.50-</b>
7619	Other Authorized Interfund Tra		1,725.00			1,725.00
	<b>Total for Fund 11 and Expense accounts</b>	<b>.00</b>	<b>200,000.00</b>	<b>87,293.61</b>	<b>114,767.85</b>	<b>2,061.46-</b>
<b>Fund 16 - FOREST RES</b>						
7619	Other Authorized Interfund Tra	52,121.00	52,121.00			52,121.00
	<b>Total for Fund 16, Expense accounts and Object 7000</b>	<b>52,121.00</b>	<b>52,121.00</b>	<b>.00</b>	<b>.00</b>	<b>52,121.00</b>
	<b>Total for Org 001 - Sierra County Office of Education</b>	<b>2,585,046.00</b>	<b>2,817,623.00</b>	<b>476,728.62</b>	<b>2,054,728.10</b>	<b>286,166.28</b>

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

April 09, 2019

Downieville School, 130 School St, Downieville CA 95936

Videoconferenced to Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118  
6:00pm Regular Session

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A. CALL TO ORDER

President PATTY HALL called the meeting to order at 6:06pm.

B. ROLL CALL

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

ABSENT: None

C. FLAG SALUTE

D. APPROVAL OF AGENDA

MOORE/GANT

5/0

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  
*GRANT: A lot of talk around how County Offices are supporting Districts around Differentiated Assistance.*
- b. Update on Secure Rural Schools  
*GRANT: Looks positive—long-term funding source for program being looked at.*
- c. Update on Deferred Maintenance Plans  
*GRANT: Rough plan in front of you here, but expecting to have a more solid plan for Board approval in June.*
- d. Classroom Teacher – Speech Therapist Job Description  
*GRANT: Updated based on feedback from current Speech Therapist.*
- 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

j. Letter of Retirement from Teresa Taylor, Downieville Elementary Teacher, 1.0 FTE, Effective June 14, 2019

3. Business Report
  - a. Account Object Summary-Balance from 07/01/18 to 03/31/2019
4. Staff Reports
  - a. ADULT ED—JACKSON: *Increased student pop by 2 students since Feb...up to 19 students now. Applied for CDS State Code. WASC application ready to submit for process of accreditation. Pad ready for new portable. Adult Ed conference very informative last week.  
MITCH ROSIN from Adult Ed Consortium: Great start gearing up the Adult Ed program here so far. Moving very quickly.  
JACKSON: One more community meeting scheduled for April 23<sup>rd</sup> at old Pliocene school.*
  - b. SELPA—BETHKE: *CPI Training scheduled for this Saturday. Speech & Language Pathologist—looking into a new avenue, meeting with Presence Learning, an online Interactive Speech Service, with the awareness that in reality we may not get any candidates for this opening.*
  - c. CURRICULUM—MESCHERY: *Adoption of new History/Social Studies Textbooks K-12 moving along—March 20<sup>th</sup> was first meeting for the Curriculum Advisory Committee. Recent teacher recruiting efforts are showing to be productive—came back with a number of resumes from the last two Career Fairs and seeing new applicants for open positions. Continuing with a lot of teacher support in the classrooms around the district. Academic Advising in full swing right now too.*
5. Board Member Reports
  - a. GANT: *Participating in Curriculum Advisory Committee. Looking at different options and learning avenues—don't want to have anything fully online; may split things up a bit differently all through K-12.*
6. Public Comment
  - a. Current location  
SSF—MESCHERY: *Gearing up for spring field trips we fund. Still working through discussions about supporting/contributing to music programs in the district.*
  - b. Videoconference location – *none*

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.

MOORE/WRIGHT

5/0

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  
*MOORE motioned to approve items a-c. Second by GANT.*  
*5/0*
- d. Update on Adult Education Portable, Access and Insurance Information  
*GRANT: Insurance is in place, the Adult Ed program is already folded in with current plan. Will keep conversation going and developing plans for comfort level of public/community, shelter the district liability-wise.*  
*GENASCI: Community feedback—concerns with safety.*  
*WRIGHT: Parking is also a concern.*

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*

*MOORE motioned to approve e-f with Option 2 in AR 1312.3. Second by GANT.*  
*5/0*
- g. 1312.4—Williams Uniform Complaint Procedures  
***\*\*Table 1312.4 to next meeting\*\****
  - 1. Administrative Regulation, *revisions*
  - 2. Exhibit(1), *revisions*
  - 3. Exhibit(2), *revisions*
  - ~~4. Exhibit(3), *NEW (regards Preschool which our district does not serve)*~~
  - ~~5. Exhibit(4), *NEW (regards Preschool which our district does not serve)*~~
- h. 1340—Access to District Records
  - 1. Administrative Regulation, *revisions*

*MOORE/HALL*  
*4/1*
- i. 5125.2—Withholding Grades, Diploma and Transcripts
  - 1. Administrative Regulation, *revisions*

*MOORE/WRIGHT*  
*5/0*
- j. 5127—Graduation Ceremonies and Activities
  - 1. Board Policy, *revisions*

*MOORE/GANT*  
*5/0*
- k. 9323.2—Actions by the Board
  - 1. Board Bylaw, *revisions*
  - 2. Exhibit(1), *revisions*
  - 3. Exhibit(2), *NEW*

*MOORE/GANT*  
*5/0*

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

I. ADJOURN at 7:07pm  
*MOORE/HALL*  
*5/0*

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Andy J. Genasci, Clerk

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Dr. Merrill M. Grant, Superintendent

Checks Dated 04/01/2019 through 04/30/2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015216	04/04/2019	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
00015217	04/09/2019	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		773.08
00015218	04/09/2019	CARRIER SI, INC.	01-5600	REMOTE SERVICE		67.50
00015219	04/09/2019	CDW GOVERNMENT, INC.	11-4400	COMPUTERS		4,424.04
00015220	04/09/2019	COLUSA COUNTY OFFICE OF ED	01-5300	CSR DUES		1,456.77
00015221	04/09/2019	DOUBLETREE SUITES	01-5200	HOTEL ACCOMODATIONS	229.43	
			01-5899	HOTEL ACCOMODATIONS	76.48	305.91
00015222	04/09/2019	KATHLEEN EPPS	01-5200	FEB/MAR MILEAGE		1,294.58
00015223	04/09/2019	FOLCHI LOGGING AND CONSTRUCTION, INC.	11-6200	AGGREGATE BASE		388.51
00015224	04/09/2019	FUELEDUCATION	11-5810	CAREER READINESS USER BLOCK	1,948.40	
				USER LICENSES	4,001.03	5,949.43
00015225	04/09/2019	JANIS HARDEMAN	01-5810	NURSE SERVICES		3,650.00
00015226	04/09/2019	WENDY JACKSON	11-4300	SNACKS FOR COMMUNITY MTG	44.97	
			11-5203	MILEAGE	504.60	549.57
00015227	04/09/2019	JAQUEZ CUSTOM CRAFT, INC	11-6200	BOBCAT LABOR		200.00
00015228	04/09/2019	JANE V. LEE, M.A., LMFT	01-5810	COUNSELING SERVICES		1,440.00
00015229	04/09/2019	LES SCHAWB	01-4350	VEHICLE SERVICE	32.79	
			01-5600	VEHICLE SERVICE	16.40	
			01-5899	VEHICLE SERVICE	16.40	65.59
00015230	04/09/2019	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		272.91
00015231	04/09/2019	MARY LOWE	01-5810	COUNSELING SERVICES		3,660.00
00015232	04/09/2019	LESLIE MARSDEN, MOT, OTR/L	01-5810	OCCUPATIONAL THERAPY SERVICES		1,425.00
00015233	04/09/2019	MASTERCRAFT HARDWOOD LUMBER INC.	01-4300	SHOP SUPPLIES		551.35
00015234	04/09/2019	BARBARA MCKURTIS	01-5100	CONTRACTED CONSULTANT		5,640.00
				AGREEMENT		
00015235	04/09/2019	NEVADA COUNTY SUPT OF SCHOOLS ACCOUNTS RECEIVABLE	01-5200	EXCESS TRANSPORT FEB		608.01
00015236	04/09/2019	NORTHEASTERN JOINT POWERS AUTHORITY	76-9571	WORKER'S COMPENSATION		8,104.50
00015237	04/09/2019	OFFICE DEPOT	11-4300	SUPPLIES		61.64
00015238	04/09/2019	PITNEY BOWES, INC.	01-5600	POSTAGE MACHINE LEASE	50.63	
			01-5899	POSTAGE MACHINE LEASE	151.92	202.55
00015239	04/09/2019	PLACER COUNTY SELPA	11-5810	ADMIN CREDENTIAL PROGRAM		2,000.00
00015240	04/09/2019	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		30.00
00015241	04/09/2019	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		667.49
00015242	04/09/2019	SINGLETON AUMAN PC	01-5810	AUDIT FEES		4,450.00
00015243	04/09/2019	TRI COUNTY SCHOOLS INSURANCE GROUP	01-3902	APR 19 HEALTH INSURANCE	1,314.00	

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 04/01/2019 through 04/30/2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015243	04/09/2019	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	APR 19 HEALTH INSURANCE	2,159.00	
			76-9576	APR 19 HEALTH INSURANCE	19,563.80	23,036.80
00015244	04/09/2019	U.S. BANK	01-4300	INSTRUCTIONAL SUPPLIES	22.45	
				LIFE SKILLS BOOKS	30.26	
				TRANSPORTATION SUPPLIES	51.40	
			01-5200	REGISTRATION	149.00	
			01-5899	FIELD TRIP PARKING	124.00	377.11
00015245	04/09/2019	VOYAGER	01-4350	FUEL EXPENSE	293.98	
			01-5200	FUEL EXPENSE	118.65	412.63
00015246	04/09/2019	DARCY WHITE	11-5810	CATERING FOR DVL MEETING		700.00
00015247	04/09/2019	ALLEN WRIGHT	01-5200	PER DIEM		21.75
00015248	04/26/2019	ACCREDITING COMMISSION FOR SCHOOLS	11-5300	ASC WASC AFFILIATION		160.00
00015249	04/26/2019	CWDL CERTIFIED PUBLIC ACCOUNTANTS	01-5810	AUDIT FEES	7,997.50	
			01-9515	AUDIT FEES	799.75-	7,197.75
00015250	04/26/2019	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	01-5805	EMPLOYMENT FINGERPRINTING		32.00
00015251	04/26/2019	AMBER DONNELLY	01-5200	MILEAGE		142.68
00015252	04/26/2019	KATHLEEN EPPS	01-5200	MAR/APR MILEAGE		870.00
00015253	04/26/2019	MERRILL GRANT	01-5200	TRAVEL		1,439.12
00015254	04/26/2019	WENDY JACKSON	11-5200	PER DIEM/AIRLINE/PARKING		305.20
00015255	04/26/2019	TOWNEPLACE SUITES BY MARRIOTT	01-5200	SELPA MEETING		432.82
00015256	04/26/2019	MARLENE MONGOLO	01-5200	MILEAGE		147.03
00015257	04/26/2019	NEVADA COUNTY SUPT OF SCHOOLS ACCOUNTS RECEIVABLE	01-5200	EXCESS TRANSPORT MAR		840.86
00015258	04/26/2019	OFFICE DEPOT	11-4300	OFFICE SUPPLIES		182.66
00015259	04/26/2019	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		30.89
00015260	04/26/2019	MADERA SCHWARY	01-5200	MILEAGE		698.32
00015261	04/26/2019	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		100.62
00015262	04/26/2019	TERESA TAYLOR	01-4300	T-SHIRTS		276.50
00015263	04/26/2019	ALLEN WRIGHT	01-5200	PER DIEM		7.25
<b>Total Number of Checks</b>					<b>48</b>	<b>108,477.22</b>

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	36	46,324.07
11	ADULT EDUCATION	11	14,921.05

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 04/01/2019 through 04/30/2019

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	3	47,232.10
	Total Number of Checks	<b>48</b>	108,477.22
	Less Unpaid Sales Tax Liability		.00
	<b>Net (Check Amount)</b>		<b>108,477.22</b>

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

ESCAPE ONLINE

**ANNUAL SERVICES AGREEMENT  
BETWEEN  
THE SIERRA COUNTY OFFICE OF EDUCATION  
AND THE  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT**

THIS AGREEMENT (hereinafter "Agreement") is made and entered into on May 14 2019, by and between the Sierra County Office of Education ("SCOE") and Sierra-Plumas Joint Unified School District, ("DISTRICT").

**RECITALS**

WHEREAS, the Legislature has recognized that both the county office of education and the governing board of any school DISTRICT may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established (Education Code §35160, 35160.2); and

WHEREAS, the Legislature has specifically authorized the county superintendent of schools, through the county school service fund, to contract with districts to provide various services to assist them in coordination of their educational programs (Education Code §1700, et seq.); and

WHEREAS, the DISTRICT desires the SCOE to provide reasonable and necessary services, which are more particularly described below, pursuant to an annually renewable service agreement between the SCOE and the DISTRICT; and

WHEREAS, this Agreement supersedes any prior Annual Services Agreement made between the parties.

NOW THEREFORE, in consideration of the promises and the mutual covenants and agreements herein set forth, the SCOE and the DISTRICT agree as follows:

**AGREEMENT**

1. **Reservation of Powers and Rights:** All powers, rights and obligations with respect to the operation of the DISTRICT, which are not specifically delegated to the SCOE herein, are hereby reserved to the DISTRICT consistent with applicable Board policies and procedures, this Agreement, and all applicable laws.
2. **Contracted Services:** The DISTRICT agrees to purchase services ("contracted services") from the SCOE from July 1, 2019, through June 30, 2020, as follows:
  - A. **Accounts Payable/Purchasing General Accounting Services:** DISTRICT shall provide accounting services to SCOE as follows: invoice all purchase orders and issue payment for all expenditures, update, file, and monitor unpaid invoices, input purchase orders requisitions, log fixed assets, 1099 reporting, assist with year-end close, etc.
  - B. **General Accounting Services:** SCOE shall provide accounting services to DISTRICT as follows: establishing a chart of accounts, account code structure and financial ledgers maintenance and posting of all financial transactions to the DISTRICT's ledger preparation of needed financial reports including monthly cash flow and balance sheets, monthly reconciliation to bank statements and annual reports and statements, etc.

- C. Payroll Services:** SCOE shall provide payroll services to DISTRICT as follows: preparation of pay warrants; distribution of payroll checks and direct deposits, calculation and forwarding of all tax benefit, retirement, and other withholdings information; processing of professional service agreements and employment agreements/contracts, etc.
- D. Personnel Services:** SCOE shall provide personnel services to DISTRICT as follows: assistance in the development of personnel policies that are consistent with applicable laws; advice and information regarding the recruitment, hiring, training, retention of personnel as well as the conduct of employee evaluations and issuance of potential disciplinary action; maintenance of qualified substitute pools, assistance in the development of wage, salary and employee benefit programs and the compliance of these programs with all applicable regulations; information and assistance regarding compliance with applicable credentialing and fingerprinting requirements; assistance with collective bargaining negotiations and all other general labor matters etc.
- E. Technology Support Services:** SCOE shall contribute to technology support services to DISTRICT as follows: internet connection and wide area network (WAN) support, internet filtering as needed, Escape/Mainframe computer support, etc.
- F. Revenue Management Services:** SCOE shall provide revenue management services to DISTRICT as follows: budget development and fiscal planning, identifying potential sources of revenue, assistance with consolidated application and compliance review, collection and distribution of developer fees and Forest Service/timber harvest payments, assistance with projecting and monitoring expenditures, etc.
- G. Information Management Services:** SCOE shall provide information management information services to DISTRICT as follows: data information management, assistance in maintenance of a comprehensive and legally sufficient student information management system that tracks average daily attendance, enrollment, teacher credentialing information, standardized and alternative assessment data, emergency contacts, race/ethnicity, age, address, parent/guardian, immunizations, discipline, and special education, etc.
- H. Insurance/Risk Management Services:** SCOE shall provide insurance/risk management services to DISTRICT as follows: acquisition of appropriate insurance, administration of workers' compensation claims, provision of OSHA mandated federal posters, assistance and advice regarding issues such as return to work, light duty, and modified work assignments, development of standard operating policies and procedures consistent with state and federal safety laws, etc.
- I. Construction Contract Management Services:** SCOE shall assist with construction contract management services to DISTRICT as follows: management and oversight of public contract bidding procedures for DISTRICT construction projects, including soliciting, receiving, opening and evaluating bids; handling bid protests; receiving bid bonds and payment bonds; issuing and tracking payments to contractors; processing stop notices: etc.
- J. Special Education Services:** SCOE shall provide special education services to

the DISTRICT as follows: provision of qualified staff, including special education specialist and instructional assistants, etc.

- K. Health Services:** SCOE shall provide health services to DISTRICT for nutrition and illness prevention programs, development of emergency response procedures, vision, hearing, scoliosis and other health screening for pupils, etc.
- L. Curriculum and Instruction:** SCOE shall direct and manage educational resources and provide leadership in the development of curriculum and instructional programs.
3. **Fees and Charges:** Contracted services supplied to DISTRICT by SCOE, as set forth above, shall be charged on the basis set forth on Exhibit A, attached. In addition to Fees and Charges, the County shall reimburse the DISTRICT for any expenditure paid by the DISTRICT of behalf of the County expenditures as set forth on Exhibit B, attached, but not limited to Exhibit B.
4. **Payments and Record Keeping:** In full payment for the services listed above and reimbursement of expenditures, the SCOE is hereby authorized to transfer from the General Fund or other appropriate funds of the DISTRICT to the County School Service Fund maintained by the SCOE, before the close of any school year during which this Agreement is valid, an amount equal to the total contract obligations determined pursuant to the fee schedule set forth in Exhibit A, attached. The Superintendent shall promptly notify the DISTRICT of the date and amount of each transfer. With respect to those listed services which are charged on the basis of "actual costs," SCOE shall keep reasonable records of such costs for a period of not less than 5 years, and shall allow the DISTRICT to examine such records upon request.
5. **Term of Agreement:** This Agreement shall commence on July 1, 2019, and end on June 30, 2020.
6. **Extension and/or Renewal of Agreement:** This Agreement shall be automatically renewed for an additional fiscal year commencing July 1, 2020, and annually thereafter, unless written notice of intent to terminate or renegotiate is given by either party prior to March 1 of that same year.
7. **Termination of Agreement:** This Agreement is subject to termination during the initial term or any renewal term as specified herein. SCOE may discontinue any services provided pursuant to this Agreement upon 90 days advance written notice to DISTRICT of its intent to do so, in which case it is understood and agreed that any charges relating to such terminated services shall be credited back to the DISTRICT. The DISTRICT may terminate this Agreement for cause upon 15 days advance written notice to County Office of Education a material violation by Sierra County Office of Education the terms of this Agreement, unless SCOE remedies the breach within said 10-day period.
8. **Materials and Equipment:** The DISTRICT shall provide materials and equipment necessary for the performance of the duties herein assumed by SCOE unless otherwise specifically agreed to by SCOE. SCOE agrees that in the course of performing some of the duties, as set forth in this Agreement, SCOE may utilize facilities, equipment and materials belonging to DISTRICT. However, no such use of SCOE owned equipment, materials or facilities in the course of performing under this Agreement conveys to DISTRICT any ongoing property rights to use or possess such items.
9. **Employment of Personnel:** No agent, employee, or servant of DISTRICT shall be deemed to be an employee, agent or servant of SCOE, except as expressly acknowledged in writing by SCOE. No agent, employee, or servant of SCOE shall be

deemed to be an employee, agent or servant of DISTRICT, except as expressly acknowledged in writing by DISTRICT.

10. **Relationship between the Parties:** The parties to this Agreement intend that the relationship between them created by this Agreement is that of an independent contractor, and not an employer/employee. It is expressly understood and agreed that DISTRICT employees are not entitled to any benefits to which SCOE employees are entitled, and that SCOE employees are not entitled to any benefits to which DISTRICT employees are entitled, including, but not limited to, overtime, retirement benefits, insurance benefits, vacation, workers' compensation benefits, sick or injury leave, or other benefits.
11. **Indemnification:** Each Party to this Agreement shall defend, indemnify, and hold the other harmless from and against all claims, demands, actions and proceedings of whatever cause or nature, and all costs and expenses connected therewith, including reasonable attorneys' fees, on account of any damage to or loss of any property, or injury to or death of any person, caused in whole or in part by its own negligence, or that of its officers, agents, servants, representatives, employees or subcontractors, in connection with services performed under this Agreement.
12. **Governing Law:** This Agreement shall be construed and enforced in accordance with the laws of the State of California. SCOE and DISTRICT in fulfilling the terms of this agreement will act in accordance with all applicable laws and regulations.
13. **Severability:** If, for any reason, any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.
14. **Entire Agreement:** This Agreement and any attachments hereto shall constitute the full and complete agreement between the parties hereto. All prior representations, understandings and/or agreements are merged herein and are superseded by this Agreement.
15. **Amendments:** Nothing herein shall preclude the parties from negotiating or amending this Agreement to include additional services not contemplated by this Agreement. This Agreement may be altered, amended, changed, or modified only by agreement in writing, executed by the duly appointed representatives of DISTRICT and SCOE, with specific reference to both this Agreement and the provision(s) which said instrument purports to alter, amend or modify.

IN WITNESS WHEREOF, each of the Parties hereto has duly executed this Agreement as of the dates shown below.

Date: May 14, 2019

\_\_\_\_\_  
Sierra County Office of Education  
Dr. Merrill M. Grant

Date: May 14, 2019

\_\_\_\_\_  
Sierra-Plumas Joint Unified School District  
Dr. Merrill M. Grant

Approved by the Board of Education on May 14, 2019

## **EXHIBIT A**

### **FEE SCHEDULE FOR CONTRACTED SERVICES**

<b>Salary &amp; Benefits/Outside Contracts</b>	<b>Percentage of Actual Cost Billed to DISTRICT</b>
Business Manager	50%
Personnel Technician	50%
Account Tech III	50%
Custodian	75%
School Site Administrator	Actual Cost of 1 FTE assigned to Loyalton Elementary School

## **EXHIBIT B**

### **REIMBURSEMENT EXPENDITURES**

<b>Expenditures</b>
Workshops attended by SCOE Staff
Shared utilities (telephone, electrical, etc.)
Repairs to administration portable building
Shared Office Equipment
Board and Superintendent Health Care Benefits

April 10th, 2019

**TENTATIVE AGREEMENT**  
**Between the Sierra Joint Unified School District and the Sierra Plumas Teachers Association**

The negotiating teams for Sierra Joint Unified School District ("District") and Sierra Plumas Teachers Association ("SPTA") reached a tentative agreement on the following articles listed below, during negotiations this Wednesday, the 10<sup>th</sup> day of April 2019. This agreement demonstrates an understanding by both parties that there is a need to continue working collaboratively to improve working conditions in order to better attract and retain qualified and experienced educators in order to provide a stable and successful learning environment for students.

**The parties agreed to the following:**

**Article 1: Agreement**

SPTA and SPJUSD previously agreed to the following:

1. **Article 1.3 Term of Agreement:** This agreement shall remain in full force and effect from July 1, 2018, until June 30, 2021.

**Tentative Agreement reached on this article:**

For the District: Michael Moore Date: 4/10/19

For the Association: Calb Kley Date: 4-10-19

**Article 3: Days and Hours of Employment**

SPTA and SPJUSD previously agreed to the following:

1. **Article 3.11:** Unit members may be allowed to participate in up to ~~three~~ **five (5)** Staff Development Activities in a school year, designed by teachers ~~pursuant to the provisions of SB1193~~, and approved by the Administrator and Board of Education. Each Staff Development Activity will be at least six (6) hours in length. For this Activity, the teacher will be compensated at the rate of Two-hundred (\$200.00) per documented Staff Development Activity. *(Commencing July 1, 2018)*

**Tentative Agreement reached on this article:**

For the District: Michael Moore Date: 4/10/19

For the Association: Calb Kley Date: 4-10-19

## Article 10: Leaves of Absence

SPTA and SPJUSD previously agreed to the following:

### 10.1 Sick Leave

#### A. Eligibility and Amount

Unit Members, except part-time and temporary employees, shall be entitled to ten (10) days of compensated sick leave per school year. Sick leave shall be used to provide for the medical needs of the Unit Member or the medical needs of the Unit Member's immediate family.

#### B. Immediate Family Defined

Immediate Family means: mother, father, grandmother, grandfather, or grandchild of the Unit Member or of the spouse of the Unit Member; spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the Unit Member; foster child, foster parent or legal guardian or any relative living in the immediate household of the Unit Member.

#### C. Unused Sick Leave

Unused sick leave shall accrue from school year to school year without limitation.

#### D. Physician's Note

The District or SCOE may require a physician's verification of illness if a Unit Member has been on sick leave for three (3) or more consecutive days. If a Unit Member takes sick leave on a day of in-service, the appropriate Superintendent or Site Administrator may require a physician's verification for a single day's absence.

#### E. Sick Leave Balances

The District or SCOE shall provide, no later than October 20th of each school year, each Unit Member with a written statement of the following:

1. Total accumulated sick leave. Sick leave absence shall be deducted in hourly increments.
2. Sick leave entitlement for the present school year.

#### F. Temporary Employees

All temporary Unit Members shall receive one (1) day sick leave per



school month worked.

G. Misuse of Sick Leave

1. Sick leave shall not be misused by a Unit Member or group of Unit Members.
2. Sick leave cannot be used by a Unit Member to enable him/her to earn wages from another employer.

10.2 Leave of Absence for Industrial Accident or Illness

Leave of absence for industrial accident and/or illness shall be granted to Unit Members according to the provisions of Section §44984 of the Education Code, subject to the following regulations or in accordance with current State laws and regulations:

A. Term of Leave

Allowable leave shall be for not less than sixty (60) days during which the schools of the District or SCOE are required to be in session or when the Unit Member would otherwise have been performing work for the District or SCOE in any one (1) fiscal year for the same accident.

B. No Accumulation

Allowable leave shall not accumulate from year to year.

C. First Day of Leave

Industrial accident or illness leave shall commence on the first day of absence.

D. Payment of Salary

When a Unit Member is absent from his/*her* duties on account of an industrial accident or illness, he/she shall be paid such portion of the salary due him/her for any month in which the absence occurs as when added to his temporary disability indemnity under-Division 4 or Division 4.5 of the Labor code will result in a payment to him/her of not more than his/her full salary.

The phrase "full salary" as utilized in this subdivision shall be computed so that it shall not be less than the Unit Member's "~~average weekly earnings~~" *salary he/she would have earned* as that phrase is utilized in Section

§4453 of the Labor code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section §4453 of the Labor Code shall otherwise not be deemed applicable.

E. Reduction of Leave

Industrial accident or illness leave shall be reduced by one (1) day of authorized absence regardless of a temporary disability indemnity award.

F. Leave that Extends to Next Fiscal Year

When an industrial accident or illness leave overlaps into the next fiscal year, the Unit Member shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

G. Checks Received from Workers Compensation Carrier

During all paid leaves, the Unit Member shall endorse all checks received under the Worker's Compensation Law to the District or SCOE. The District or SCOE will then issue warrants to the Unit Member and deduct normal retirement and other authorized contributions.

~~H. Authorization to Move Out of State~~, *EC 44984, LAW PASSED AB 915 in Jan 2016*

~~Any Unit Member receiving benefits as a result of this section shall, during periods of injury or illness, remain in the State of California unless the District or SCOE Employer authorizes residency outside the State.~~

I.H. Additional Leave

The District or SCOE may provide for such additional leave of absence for industrial accidents or illness as it deems appropriate.

J.I. Medical Release

The Unit Member shall secure a medical release before being permitted to return to work.

K.J. Deduction from Sick Leave

The District or SCOE shall not deduct sick days from the accumulated sick leave balance of a Unit Member who is absent as the result of an industrial accident.

L.K. Record keeping

The District or SCOE's report of an industrial accident or illness shall be kept on file in the appropriate office.

### 10.3 Extended Illness Leave

#### A. Salary Reduction/*Differential Pay*

If a Unit Member has utilized all accumulated sick leave and is still absent from duties on account of illness or accident for a period of five (5) school months or less, then the amount of salary deducted in any month shall not exceed the minimum on the substitute salary schedule.

1. The five (5) months or less period during which the above deductions occur shall not begin until all other paid sick leave provisions for which he/she is eligible have been exhausted.

### 10.4 Maternity Leave

#### *10.4.1 Pregnancy Disability Leave*

The District or SCOE for any female Unit Member who is required to be absent from duties *whenever she becomes disabled* because of *by* pregnancy, miscarriage, childbirth, *related medical conditions* and recovery therefrom.

#### A. Length of Absence

The length of absence, *up to four (4) months*, including the date on which the leave shall commence and the date on which the Unit Member shall resume duties, shall be determined by the Unit Member and the Unit Member's physician.

#### B. Request for Leave

The request and certification for leave shall be filed with the appropriate office *thirty (30 days)* prior to the commencement of the leave *if the leave is foreseeable* or in the case of emergency as soon as is practicable.

#### C. Necessity of Extended Leave

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom are, when certified by a physician, temporary disabilities and shall be treated as such. Any Unit Member shall have the right to utilize accumulated sick leave for such disabilities.

### 10.5 Child Rearing (*Parental*) Leave

Upon request, the District or SCOE may *shall* provide a Unit Member who is a natural or adopting parent an unpaid leave of absence for the purpose of rearing an infant. *An*

*eligible Unit Member shall be entitled to differential pay for a portion of the (12) twelve workweeks if they have insufficient sick leave.*

A. Length of Leave

~~Such leave shall remain in effect at least until the end of the semester following the birth or adoption of the child, but to~~ *for* a maximum of one (1) year, unless mutually agreed upon between the District or SCOE and the Unit Member. *An eligible Unit Member shall take leave of up twelve (12) workweeks in a 12-month period. The 12-workweek period shall be reduced by any portion of the 12 weeks already taken during the 12 month period of parental leave.*

B. Request for Leave

The Unit Member shall notify the District or SCOE on the intention to take such leave at least four (4) weeks prior to the anticipated date on which the leave is to commence.

C. Benefits

~~The Unit Member on such leave shall be entitled to return to employment at the end of the leave. but shall not be entitled to regular employee benefits while on leave unless the employee desires to maintain benefits at his/her own expense.~~

*Benefits (medical, dental, vision, life) for eligible Unit Members shall be maintained during qualifying leaves. The Unit Member's share of premiums must be paid through payroll deduction or other methods as agreed upon between Employer and Employee.*

10.6 Family Care Leave

*Pursuant to the California Family Rights Act and Federal Family and Medical Leave Act a Unit Member shall be entitled to family care and medical leave (California Family Rights Act – CFRA) as set forth in California Government Code and the Federal Family and Medical Leave Act (FMLA). CFRA and FMLA leaves shall be granted in accordance to current laws and regulations.*

A. Eligibility

Unit Members who have been employed by the District and/or SCOE for ~~more than one year~~ *at least twelve (12) months* of continuous service, and who meet all the requirements of this section, may take up to a total of *twelve (12) workweeks* ~~our (4) months~~ in a *24-12* month period for family care leave.

## B. Definitions

*Both the FMLA and CFRA require a covered Employer to permit an eligible Unit Member to take up to twelve (12) workweeks of unpaid leave during a 12-month period for certain specified purposes including:*

- *To care for the Employee's newborn child*
- *To care for a child placed with the Employee for adoption or foster care*
- *To care for the Employee's spouse, child or parent who has serious health condition*
- *To care for the child for whom the Employee stands in loco parentis*
- *The Employee's own serious health condition*
- *Necessity arising from family members serving in Armed Forces.*

*Some exceptions apply to CFRA leave*

The following definitions shall apply to this Article 10.6:

1. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in "loco parentis" who is either of the following:
  - (a) Under 18 years of age;
  - (b) An adult dependent child.
2. "Family Care *and Medical* Leave" means either of the following:
  - (a) Leave for reason of the birth of a child of the Unit Member, the placement of a child with a Unit Member in connection with the adoption of the child by the Unit Member, or the serious illness of a child of the Unit Member;
  - (b) Leave to care for a parent, or a spouse who has a serious health condition.
3. "Employment in the same or comparable position" means employment in a position that has the same or similar duties and pay which can be performed at the same or similar geographic location as the position held prior to the leave.
4. "Healthcare Provider" means an individual holding either a physician's ~~and or~~ surgeon's certificate issued pursuant to Article 4 (commencing with Section 2080 of Chapter 5 of Division 2 of the Business and Professions Code, an osteopathic physician's and surgeon's certificate issued pursuant to Article 4.5 (commencing with Section 2099.5) of Chapter 5 of Division 2 of the Business and Professions code: *as defined in the FMLA and CFRA.*
5. "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian, *or other person who stood in loco parentis to the Unit Member when the Unit Member was a child.*

6. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision and involves either of the following:
  - (a) Inpatient care in a hospital, hospice, or residential health care facility;
  - (b) Continuing treatment or continuing supervision by a health care provider.

#### C. Restrictions

~~The District/SCOE shall not be required to pay Unit Members for any leave taken pursuant to subdivision A., except as required by subdivision C.1.~~

#### Accumulated and/or available sick leave

Unit Member taking leave permitted by 10.6.A may elect, or the District/SCOE may require the Unit Member to substitute for leave allowed under subdivision A any of the Unit Member's accrued time off during this period or any other paid or unpaid time off negotiated with the District/SCOE. However, a Unit Member shall not use sick leave during the period of the family care leave.

#### D. Benefits

Unit Member taking leave pursuant to subdivision A shall continue to be entitled to participate in health plans pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than family care *for the duration of the twelve (12) week leave. The Unit Member's share of premiums must be paid through payroll deduction or other methods; if unpaid leave, as agreed upon between Employer and Unit Member.*

1. For purposes of pension and retirement plans, the District/SCOE shall not be required to make plan payments for a Unit Member during the *unpaid* leave period, and the leave period shall not be required to be counted for purposes of time accrued under the plan. However, a Unit Member covered by a pension plan may continue to make contributions in accordance with the terms of the plan during the period of the leave.

#### E. Seniority

During a family care leave period, the Unit Member shall retain employee status, and the leave shall not constitute a break in service, for purposes of longevity, seniority under this Agreement, or any employment benefit plan.

#### F. Notice

Unit Member returning from leave shall return with no less seniority than he/she had when the leave commenced, for purposes of lay-off, recall, promotion, job assignment, and seniority-related benefits.

#### G. Scheduling of Leave

If the Unit Member's need for leave pursuant to this section is foreseeable due to a planned medical treatment or supervision, the Unit Member shall make a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the District and/or SCOE subject to the approval of the healthcare provider of the individual requiring the treatment or supervision.

#### H. Documentation

1. The District/SCOE shall require that a Unit Member's request for leave to care for a child, a spouse, or a parent who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. That certification shall be sufficient if it includes all of the following:
  - (a) The date on which the serious health condition commenced;
  - (b) The probable duration of the condition;
  - (c) An estimate of the amount of time that the health care provider believes the Unit Member needs to care for the individual requiring the care; and
  - (d) A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.
2. Upon expiration of the time estimated by the healthcare provider in subparagraph (c), the District/SCOE may require the Unit Member to obtain re-certification in accordance with the procedure provided in paragraph 1, if additional leave is required.
3. Leave provided pursuant to this section may be taken in one (1) or more periods but shall not exceed a total of ~~four (4) months~~ *twelve (12) workweeks* within a ~~24~~ *twelve (12)* month period from the date the leave commenced.

I. Right of Refusal

1. The District/SCOE shall not be required to grant a Unit Member family care leave which would allow the Unit Member and the other parent of the child family care leave totaling more than the amount specified in subdivision A. ~~nor to grant a Unit Member family care leave for any period of time in which the child's other parent is also taking family care leave from employment or is unemployed.~~
2. ~~Notwithstanding subdivision A, the District/SCOE may refuse to grant a request for family care leave made by a Unit Member if this refusal is necessary to prevent undue hardship to the District/SCOE's operations.~~

J. *Amendment of Statutory Law*

*This Article shall be deemed to be automatically modified to conform to any amendment or modification of Government Code §12945.2, the FMLA or any other applicable law*

10.7 Bereavement Leave

Every Unit Member employed in a position requiring certification qualifications is entitled to a leave of absence for a death in the immediate family as follows:

- A. Not to exceed three (3) days;
- B. Five (5) days if the Unit Member travels more than 300 miles one way
- C. No deduction shall be made from the salary of such Unit Member nor shall such leave be deducted from any other leaves accrued by the Unit Member;
- D. Immediate family means: mother, father, grandmother, grandfather, or a grandchild of the Unit Member or of the spouse of the Unit Member and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the Unit Member, foster child, foster parent or legal guardian, or any relative living in the immediate household of the Unit Member.
- E. Any additional days requested beyond those provided by this section must be handled through the provisions of this agreement under personal necessity leave; and
- F. The Board may direct the District Superintendent to enlarge the benefits and expand the class of relatives.



## 10.8 Personal Necessity Leave

### A. Eligibility

Each Unit Member, in accordance with the law and pursuant to the provisions of this policy, is entitled to leave for reasons of personal necessity. Such leaves shall be charged to the Unit Member's sick leave. The use of Personal Necessity Leave will be determined solely by the Unit Member.

### B. Number of Days Per Year

The total number of days used for personal necessity leave in any school year may not exceed seven (7).

### C. Notice of Request for Leave

Request for personal necessity leave shall be made at least three (3) days in advance to the immediate supervisor, except in cases of emergency.

### D. Prohibited Use

1. Personal necessity leave shall not be used to disrupt the normal operating functions of the school.
2. Personal necessity leave shall not be misused by Unit Member or group of Unit Members.

## 10.9 District or SCOE Leave

### A. Number of Days Per Year

Each Unit Member is entitled to two (2) days of leave to attend to matters which must be dealt with during a work day and are not emergencies.

### B. Notice of Request for Leave

Request for District or SCOE leave shall be made at least three (3) days in advance to the immediate supervisor.

### C. Accrual

District or SCOE leave shall not accrue from year to year and shall not be charged to or deducted from a Unit Member's sick leave.

### D. Prohibited Use

1. District or SCOE leave shall not be used to disrupt the normal operating functions of the school.
2. District or SCOE leave shall not be misused by Unit Member or group of Unit Members.

#### 10.10 Jury Leave

##### A. Notice to District or County

A Unit Member selected for jury duty or as a witness shall notify his immediate supervisor and the appropriate office.

##### B. Payment Received for Service as Juror

A Unit Member serving on jury duty or as a witness will be required to deliver to the appropriate office all fees received as a juror or witness, excluding payment for personal expenses while on jury duty or appearing as a witness.

##### C.B. Salary

A Unit Member serving on jury duty or as a witness shall be entitled to full pay and benefits normally due for the period of the jury duty or witness appearance.

##### D.C. Definitions

1. The term "jury duty" as used in this Article includes service on a County Grand Jury.
2. Serving "as a witness" is defined as a court appearance under subpoena or to respond to an official order from another governmental jurisdiction when not brought about through the connivance or misconduct of the Unit Member.

#### 10.11 Legislative Leave

##### A. Eligibility

A Unit Member who is elected to the State Legislature, or Congress shall be entitled to an unpaid leave of absence for the length of the term or terms in office.

##### B. Return to Employment

1. The Unit Member on such leave shall notify the District or SCOE of the

semester in which return is intended.

2. The return to employment shall be at the beginning of the semester specified in 10.11.B.1.

C. Benefits

The Unit Member on such leave shall be entitled to return to employment at the end of the leave, but shall not be entitled to regular employee benefits while on leave, unless the Unit Member desires to maintain benefits at his/her own expense.

10.12 Sabbatical Leave

A. Purpose

Sabbatical leaves are intended for certificated personnel who have as their primary purpose the maintenance or improvement of skills which relate to the improvement of the programs within the District or SCOE.

B. Eligibility

A Unit Member is eligible to apply during his/her sixth (6<sup>th</sup>) consecutive year of service (or any consecutive year of service thereafter) if the Unit Member has not reached his/her 63<sup>rd</sup> birthday. The six (6) consecutive years of service must be with the Employer from which the leave is taken. ~~An employee~~ **Unit Member** will receive only one sabbatical leave during a six (6) year period.

C. Length of Leave

~~An employee~~ **Unit Member** may receive a sabbatical leave for either one (1) or two (2) semesters. Only one (1) Unit Member from each employer per semester may receive sabbatical leave. There will be only two (2) semesters of sabbatical leave from each Employer allowed each school year. ~~Unit Members who have been employed with SCOE and are now employed by the District as of July 1, 1987, shall be permitted to accumulate consecutive years of service from both employers for purposes of this sabbatical leave policy.~~

D. Application Procedure

1. Applicant should confer with his/her immediate supervisor to review the application procedure.

2. Applications for sabbatical leave must be submitted by November 1, (in triplicate) to the appropriate Superintendent and shall include a full statement of the purposes (study, travel, or research), expected benefits and outcomes, and plans for use of leave. The Superintendent will determine eligibility and will forward the application to the Professional Growth Committee. The Professional Growth Committee will interview the applicant at his/her request, prior to making their recommendation. The Professional Growth Committee will submit their recommendation and the applicant's proposal to the Superintendent by January 15. If the applicant is a District employee, the District Superintendent will forward the recommendation to the Board and the applicant.

3. The District Superintendent will notify the applicant of the final decision of the Board not later than February 15. If the applicant is an SCOE employee, the County Superintendent shall notify the applicant of his/her decision no later than February 15.

4. If the sabbatical leave is not granted, a letter will be sent to the appropriate person stating the reasons for denial.

E. Sabbatical Leave Requirements

1. Upon being granted sabbatical leave, the Unit Member will sign an agreement to return to service in the District or SCOE for not less than two (2) years upon completion of the leave or restore to the District or SCOE all salary payments received while on leave.

2. While on sabbatical leave for study, a Unit Member shall complete at least ten (10) semester units of upper division or graduate work for each semester of leave granted. These courses shall be exclusive of correspondence courses. Previous to such leave, the courses must be approved by the Professional Growth Committee. Transcripts, or other evidence of completion, shall be submitted to the appropriate Superintendent's office within ninety (90) days after the Unit Member's return to duty.

3. When seeking sabbatical leave for research, the applicant shall submit a detailed outline of his proposed project for review. This detailed outline should include the following: objectives, method of conducting the project, materials and agencies, or institutions, project completion date with completion dates for sub-portions, and proposed method of preparing final report with bibliography upon completion of leave.

4. While on sabbatical leave for travel, Unit Members shall remain in travel status at least three (3) weeks a month for each semester of

leave granted. The application for leave shall include an itinerary of the proposed travel, together with a statement concerning the proposed objective of the travel. Upon completion of the leave and within 30 days after the Unit Member's return to duty, a detailed itinerary and a written report of not less than 1,500 words shall be submitted to the appropriate Superintendent's office setting forth the Unit Member's reactions to the trip and a statement of the benefit to the schools and the pupils of the District or SCOE.

F. Compensation While on Sabbatical Leave

1. Compensation while on sabbatical leave shall be one-half the salary the Unit Member would have received had he/she remained teaching in the District or SCOE.
2. Salary while on leave will be paid pursuant to District or SCOE policy or in two (2) equal payments following the leave, as stated in item 5 of this section.
3. Applicants who desire to receive salary allowance while on sabbatical leave must furnish a suitable bond indemnifying the District or SCOE for any salary paid the Unit Member during the period of the sabbatical leave in the event the Unit Member fails to return to render two (2) full years of service to the District or SCOE following the termination of the sabbatical leave, or in the event the Unit Member fails to satisfactorily carry out the program of study or the itinerary of the approved trip or research project.
4. The Unit Member shall make arrangements with the business office for the disposition of his/her salary warrant each month by authorizing a written appointment of a bank or depository to receive his/her salary, or the disposition according to an appropriate and fully executed power of attorney.
5. Applicants who do not wish to receive a salary allowance and furnish a bond shall be paid in two (2) equal annual installments as follows: At the end of the first year of service, after the Unit Member's return to duty, the business office shall release the first installment upon receipt of a District Board resolution or SCOE *Superintendent's* determination authorizing the payment of said installment and including an affirmation to the effect that the Unit Member has completed one (1) year of service and fulfilled all other legal requirements. At the end of the second year of service, a similar procedure shall be followed authorizing payment of the second and final installment.

6. In the event that the sabbatical leave was for only one (1) semester, the first installment shall be payable at the end of the first semester of service after the Unit Member's return to service. The second installment shall be payable at the end of the second semester after the Unit Member's return to service.

G. Effect Upon Position Status, Salary Increments, Health and Welfare Benefits and Retirement

1. Such leave will be counted toward years of service and experience on the salary schedule as if the Unit Member had remained working in the District or SCOE.
2. At the expiration of the leave, the Unit Member will be reinstated in the same position held at the time leave was granted, or another position mutually agreed to prior to the taking of the leave.
3. The Unit Member's normal percentage rate of deduction for retirement purposes shall be applied to the actual salary received. The sabbatical leave year is counted as one-half (1/2) year service for retirement purposes.
4. Health and welfare benefits will continue as set forth in Article 11 of this Agreement.

H. Accident and Illness While on Sabbatical Leave

1. Interruption of the program of study or travel caused by a serious accident or illness during a sabbatical leave shall not affect the amount of compensation to be paid. However, the District or SCOE must be notified by registered mail within two (2) weeks after the accident or onset of illness. A medical doctor's statement verifying the accident or illness must be submitted.

I. Other Provisions and Terms of this Sabbatical Leave Policy

1. In all other matters not herein mentioned, the California Education Code and all amendments affecting sabbatical leave will become a part of these rules and regulations and shall govern this sabbatical leave policy.

10.13 Catastrophic Leave Bank

A. Establishment

The Association and the *District/SCOE* agree to establish the Sierra-Plumas Teachers' Association Catastrophic Leave Bank effective July 1,

2007.

- B. To qualify for Catastrophic Leave, the employee, who has exhausted all paid leave, must have suffered an illness or injury that is expected to incapacitate the employee for an extended period of time, and taking extended time off creates a financial hardship for employee.

Catastrophic Leave shall begin no sooner than the 11<sup>th</sup> work day of absence, and only after all other personal accumulated sick leave and other paid time off have been exhausted.

Participation in the Catastrophic Leave Bank is voluntary. *Association Unit Members* desiring participation must donate 15 sick leave hours by September 1, 2007. After September 1, 2007, new participants must make a donation of 15 sick leave hours and any other additional amount equivalent to other participants based upon that ~~Employee's~~ *Unit Member's* date of eligibility to join. New employees- *Unit Members* participating may join during a two (2) week eligibility time during the first two weeks of the school year.

~~Association~~ *Unit* members who do not join the Bank upon first becoming eligible must wait 90 days after joining the Bank before becoming eligible to receive a contribution from the Bank.

~~Association~~ *Unit* Members in the Bank may require solicitation of additional hours/hours, dependent upon need, when the bank of days drops to or below 300 hours. Failure to make such donation shall result in automatic cancellation of the membership.

- C. Catastrophic Leave Bank Committee

A Catastrophic Leave Bank Committee shall be established consisting of three (3) certificated members with at least one member from Downieville (K-12), Loyaltan Elementary (K-8 6), Loyaltan High School (9 7-12).

It shall be the responsibility of the Committee to administer the Catastrophic leave Bank in accordance with this Agreement and application State law. The Duties of the Committee are to:

- (a) Receive leave requests
- (b) Verify the validity of requests
- (c) Approve or deny requests
- (d) Communicate its decision to effected employees and the Superintendent
- (e) Solicit donations of sick leave from eligible employees as needed
- (f) Communicate required information with the correct District Office

personnel to ensure compliance with all laws.

The Committee shall keep all records confidential and shall not disclose the nature of any illness except as is necessary to process the request for leave.

D. Application Procedure

The ~~employee~~ **Unit Member** desiring Catastrophic Leave shall submit a request in writing to the Catastrophic Leave Bank Committee stating the facts which support the need for Catastrophic Leave, including verification.

The Committee shall review the application and make its decision within a reasonable period of time.

If the Committee reasonably believes that the application may be eligible for disability retirement under STRS or Social Security, the Committee may request that the applicant apply for such benefits. If the applicant fails to submit a complete application for disability, including medical information provided by the applicant's physician within twenty (20) calendar days, he/she shall no longer be eligible for the Catastrophic Leave Bank. The applicants' acceptance of disability retirement is not required in order to be eligible for receiving hours from the Catastrophic Leave Bank.

If the Committee determines that the ~~employee~~ **Unit Member** is eligible for Catastrophic Leave, it shall designate the number of hours of eligibility. If donated hours of sick leave are available from the Leave Bank, they may be used by the ~~employee~~ **Unit Member**. If sufficient hours are not available, the Committee shall solicit donations of hours from eligible ~~employees~~ **Unit Members** in accordance with this agreement.

E. Donations to the Catastrophic Leave Bank/Usage of Hours

~~Employees~~ **Unit Members** may donate up to eighty (80) hours of accrued, full time sick leave to the Catastrophic Leave Bank each school year.

Once made, a donation becomes irrevocable. All contributions shall be voluntary and no ~~employee~~ **Unit Member** shall be pressed to contribute to the Bank.

Unused hours remaining in the Catastrophic Leave Bank shall carry over from year to year.

Unit Members using hours granted to them from the Catastrophic Leave Bank shall not accrue any other leave provided for by this Agreement, or



by law.

If the Catastrophic Leave Bank is terminated for any reason, any hours remaining in the Bank shall be returned to the then current participating employees **Unit members** in proportion to the number of hours donated.

The denial of a request for hours from the Catastrophic Leave Bank is not subject to review or appeal under any procedure.

**Tentative Agreement reached on this article:**

For the District: Michael Moore

Date: 4/10/19

For the Association: Calhoun

Date: 4-10-19

**Article 11: Health Benefits**

SPTA and SPJUSD agreed during our last negotiations on 11-28-18 that specific language needs to be added to the contract that spells out the amount of money received by bargaining unit members hired after July 1, 2017 in the form of a "hard-cap" as agreed to in the 2016-17 Tentative Agreement for Salary and Benefits. The parties also agreed that specific language needs to be added to the contract as well that spells out the amount of money bargaining unit members hired prior to July 1, 2017 continue to receive in the form of a "soft-cap" (unchanged by the 2016-17 Tentative Agreement).

1. **Article 11.1, 11.2, and 11.3:** The parties agree that the District will type up language to be added to the Health Benefits article that incorporate the hard-cap and soft-cap language as currently practiced.
  - a. **Hard-Cap:** \$17,536.50 per year
  - b. **Soft-Cap:** \$11,254.20 per year plus 50% of the cost of the premium selected by the unit member above this amount.

**Tentative Agreement reached on this article:**

For the District: Michael Moore

Date: 4/10/19

For the Association: Calhoun

Date: 4-10-19

## Article 12: Salary

SPTA proposes the following language regarding salary to address the District's ability to retain and attract highly qualified and experienced educators to serve our students. Currently, SJUSD is struggling to fill certificated teaching positions.

### 1. Tentative Agreement January 24<sup>th</sup>, 2019

1.1 Include new restructured salary schedules for 2018-19 and 2019-20 with increases as per agreement and highlighted below.

#### 1.1.1 Addition of new salary schedule steps:

1.1.1.1 Class IV: add steps 13, 14, and 15 at 2.5% increase per step

1.1.1.2 Class V: add steps 13, 14, 15, 16, 17, 18, 19 and 20 at 2.5% increase per step

1.1.2 **2.0% increase to the certificated salary** schedule across the board at all cells (including new steps above in 1.1.1, retroactive to July 1, 2018.

1.1.3 **2.5% increase to the certificated salary** schedule across the board at all cells beginning July 1, 2019.

1.2 District health benefit caps (soft and hard caps) to remain status quo.

### 2. New language added to Article 12 to address salary schedule placement for new bargaining unit hires.

#### 2.1 Article 12.1, E, Salary Schedule Placement:

2.1.1 **1.** New bargaining unit hires shall be granted up to fifteen (15) years of credit (initial placement on step 16) for prior certificated teaching experience at an accredited institution. Employees must provide verification of previous credentialed teaching experience to the District which shall be placed in their personnel file.

2.1.2 **2.** Bargaining unit hires who previously worked for SPJUSD in a certificated position shall be granted year for year credit for all prior teaching experience with SPJUSD and all other accredited institutions.

2.2 **Agreement to make all current bargaining unit members "whole"**. The parties agree that by increasing the amount of experience granted for initial salary schedule placement for new hires to fifteen (15) years; all current bargaining unit members who did not previously receive credit for all prior years of certificated employment experience (up to fifteen (15) years), shall be made "whole" and be reclassified retroactively to July 1, 2018 to the correct step on the salary schedule.

### 3. Stipends

3.1 All tiers will be replaced with specific dollar amounts as previously agreed to and listed ~~in the 2017-18 Tentative Agreement for Salary and Benefits~~ on attached

3.2 All stipends will be increased retroactively to July 1, 2018 by \$500.00 except for Lead Teacher, Coaching and the Athletic Director positions.

Stipend list.  
EMM

**4. Special Teaching Assignments**

4.1 **Article 12.5:** Strike current language: *Hourly teaching service, i.e., Driver Education, home teaching, information and recreation classes, are to be paid at \$20.00 per hour. Replace with this language: Any special hourly teaching assignments beyond the contract work day shall be paid at the bargaining unit members per-diem hourly rate of salary.*

**Tentative Agreement reached on this article:**

For the District: Michael Moore Date: 4/10/19  
For the Association: Calhoun Dorsey Date: 4-10-19

**Article 18: Early Retirement Options**

1. **Article 18, K.** Strike the following language in the second to last paragraph: *This offer must be formalized to show a savings to the employer on a case-by-case basis.*

**Tentative Agreement reached on this article:**

For the District: Michael Moore Date: 4/10/19  
For the Association: Calhoun Dorsey Date: 4-10-19

**This agreement closes negotiations on ALL ARTICLES for both the 2018-19 and 2019-20 school years.** The parties acknowledge and commit with this agreement to schedule another day of negotiations before the end of May 2019 to incorporate the language in this Tentative Agreement into the collectively bargained agreement (CBA) for signing, printing, and preparing copies to be distributed to all bargaining unit members and uploaded to the District web site.

The parties also agree that reopener negotiations for the 2020-21 school year shall begin no later than February 2020 and these negotiations shall be limited to Salary, Health Benefits and two (2) Articles selected by each party.

The negotiations teams for District and SPTA agree to support and promote this tentative agreement to their respective constituencies and encourage the District's Board and the SPTA membership to vote in favor of ratification.

Michael Moore 4/10/19  
District Signature Date

Calhoun Dorsey 4-10-19  
SPTA Signature Date



B. Step-to-Step

Advancement within a class may be accomplished by one (1) year of service within the District or SCOE and does not require units of credit.

12.4 Special Teaching Assignments

Hourly teaching service, i.e., Driver Education, home teaching, information and recreation classes, are to be paid at \$20.00 per hour.

12.5 Special Assignment Salary Schedule  
Stipends for Extra Duty Assignments

*Stipend List*  
*Michael Moore* 4/10/19  
*Colt Mey* 4-10-19

A. Rates of Compensation

The District/County and the Association agree that assignments to benefit students and staff that are outside of the regular teaching day should be compensated. The compensation for these voluntary positions shall be determined by length of time and amount of work as recommended by the Curriculum Council and agreed upon by the District/County and Association. The categorization for these *Extra Duty* assignments and compensation are in one of four categories *listed as follows effective July 1, 2018:*

- Tier 4 Position
- Tier 3 Position
- Tier 2 Position
- Tier 1 Position

Peer Assistance Review (PAR)	Tier 4	\$2,000
Beginning Teacher Support and Assessment (BTSA) per teacher	Tier 4	\$2,000
Textbook Adoption Lead Teacher		
Year 1	Tier 1	\$ 500
Year 2	Tier 3	\$1,500
Year 3	Tier 1	\$500
WASC Lead		
Self-Study Visitation Year	Tier 4	\$2,500 (increase from \$2,000)
Mid-term visitation year	Tier 2	\$1,500 (increase from \$1,000)
Maintenance Years	Tier 1	\$1,000 (increase from \$500)
Site Technology Coordinator	Tier 3	\$1,500
Loyalton Elementary Grades TK-6	<i>Added site</i>	
Loyalton Junior/Senior High Grades 7-12		
Downieville Grades K-12		
Teacher-In-Charge (per semester)	Tier 2	\$1,000
Loyalton Junior/Senior High Grades 7-12		
Downieville Grades K-12		
Loyalton Elementary Grades TK-6		
Lead Teacher		\$1,000 per month
Athletic Director		
Loyalton High Grades 7-12		\$7,500 Cap; Cap \$2,500 per team
Downieville Grades 7-12	Tier 4	\$2,000 Cap \$500 per team
Loyalton Grades 6,7,8	Tier 2	\$1,000
Varsity Football	Tier 4	\$2,000
Assistant Varsity Football	Tier 3	\$1,500
Varsity Basketball (Boys or Girls)	Tier 4	\$2,000
J.V. Basketball (Boys or Girls)	Tier 4	\$2,000
Boys Baseball	Tier 4	\$2,000
Girls Softball	Tier 4	\$2,000
Varsity Volleyball	Tier 4	\$2,000
J.V. Volleyball	Tier 3	\$1,500
Soccer	Tier 4	\$2,000

Cross Country	Tier-1	\$ 500
7 <sup>th</sup> /8 <sup>th</sup> Gr. Coed Basketball (Boys/ Girls)	Tier-3	\$1,500
7 <sup>th</sup> Grade Basketball Boys	Tier-1	\$ 500
7 <sup>th</sup> Grade Basketball Girls	Tier-1	\$ 500
8 <sup>th</sup> Grade Basketball Boys	Tier-1	\$ 500
8 <sup>th</sup> Grade Basketball Girls	Tier-1	\$ 500
Track	Tier-4	\$2,000
Tennis	Tier-3	\$1,500
Golf	Tier-3	\$1,500
Cheerleading Advisor	Tier-4	\$2,000 (per season; max 2 season)
Physical Fitness Testing Coordinator	Tier-1	\$ 500
Response to Intervention Coordinator		
Loyalton Junior High 7-8	Tier-1	(combine Grades 7-12)
Loyalton Senior High Gr 7-12	Tier-1	\$1,500 (increase from \$500 each site)
Downieville K-12	Tier-1	\$1,000 (increase from \$500)
Loyalton Elementary K-6	Tier-2	\$1,500 (increase from \$1,000)
Friday Night Live Loyalton Gr 9-12	Tier-4	\$2,000
Club Live Loyalton Gr 7-8	Tier-4	\$2,000
Friday Night Live Kids Loyalton Gr K-6	Tier-4	\$2,000
Friday Night Live Downieville Gr 9-12	Tier-2	\$1,000
Club Live Downieville Gr 7-8	Tier-2	\$1,000
Friday Night Live Kids Downieville Gr K-6	Tier-2	\$1,000

FNL Adopted May 12, 2016; compensation revised effective July 1, 2018

**B. Evaluation**

Evaluation of these positions shall be done yearly with the site administrator and the employee who has been assigned the position using the Board adopted job description. Each position that receives a stipend will be available each school year unless otherwise stipulated in the job description.

**C. Posting**

On or before May 1 of any year that the Board of Trustees approves to fill and authorize job description, the District/County shall post all the extra-duty and extended school year assignments for the succeeding year at each school site. The notices shall also be e-mailed to employees and posted on the district web-site. The posting shall be for 5 work days.

Applicants shall apply for any posted position by submitting a written application to the District/County superintendent within 10 working days from the date posted on the notice.

The District/County shall fill the positions prior to the end of the current school year if a certificated employee is qualified to perform the duties and an application is received within ten (10) days from the posted notice.

Should an extra-duty stipend or extended year position become available during the summer, the District/county shall mail the vacancy notice to the bargaining unit member's home as long as the bargaining unit member has notified the District/County in writing that he/she wants to be notified of any vacancy.

Should a vacancy occur during the school year, the position shall be posted at each school site for 3 work days and e-mailed to each member. The District/County shall fill the position within 10 work days.

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

**COMPLETION OF BARGAINING**


SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA)  
FOR 2018-2019 SALARY AND BENEFITS


By mutual agreement with Sierra-Plumas Teachers' Association (S-PTA), Sierra County Superintendent of Schools, Sierra County Board of Education, and Sierra-Plumas Joint Unified School District Governing Board, this Completion of Bargaining shall conclude 2018-2019 school year negotiations through June 30, 2020.

The SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA) voluntarily accepts and ratifies the Tentative Agreement for 2018-2019 school year.

Accepted and Ratified  
For the S-PTA:

Accepted and Adopted  
For the Employer:

  
\_\_\_\_\_  
Camille Alfred, President  
Sierra-Plumas Teachers' Association

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

4/23/19  
\_\_\_\_\_  
Date

Date: 4/17/19

\_\_\_\_\_  
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 Boards: \_\_\_\_\_

Date adopted by the Governing Boards: \_\_\_\_\_

SIERRA-PLUMAS CLASSIFIED EMPLOYEES' ASSOCIATION (S-PCEA)

2018-2019 INITIAL BARGAINING AGREEMENT PROPOSAL

To

Sierra County Superintendent of Schools and  
Sierra-Plumas Joint Unified School District Governing Board

Presented May 14, 2019

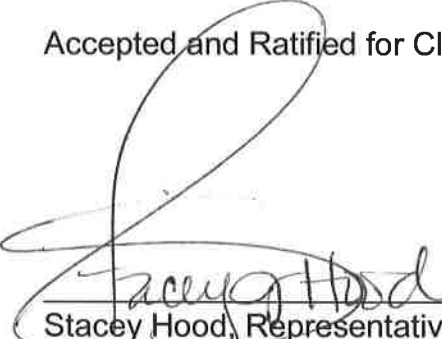
The Sierra-Plumas Classified Employees' Association proposes the following:

**Article 19, Wages**

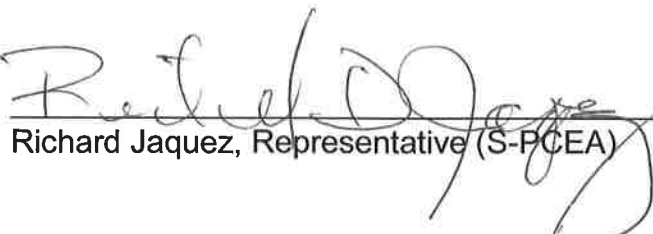
Proposed: The Sierra County Office of Education and Sierra-Plumas Unified School District Classified Employees propose the revised salary schedule increase retroactive to July 1, 2018 to set constant of percentages due to California Mandated minimum wage increase.

Additionally, Employees propose due to salary schedule changes, If any employee should lose steps they be grandfathered in and stay at their current step.

Accepted and Ratified for Classified Employees (S-PCEA)

  
\_\_\_\_\_  
Stacey Hood, Representative (S-PCEA)

5/3/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard Jaquez, Representative (S-PCEA)

5/3/19  
\_\_\_\_\_  
Date



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

POSITION	Step A		Step B		Step C		Step D		Step E		Step F		Step G		Step H		Step I		Step J		Step K		Step L
	1 year		2 years		3 years		4 years		5 years		8 years		11 years		14 years		17 years		20 years		25 years		30 years
	12.00																						
	35.69%																						
School Secretary	16.28	5.00%	17.10	5.00%	17.95	5.00%	18.85	5.00%	19.79	5.00%	20.78	5.00%	21.82	5.00%	22.91	5.00%	24.06	5.00%	25.26	5.00%	26.52	5.00%	27.85
	12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%		12.05%
	18.24	5.00%	19.16	5.00%	20.11	5.00%	21.12	5.00%	22.18	5.00%	23.29	5.00%	24.45	5.00%	25.67	5.00%	26.96	5.00%	28.30	5.00%	29.72	5.00%	31.20
Administrative	3,162		3,321		3,487		3,661		3,844		4,036		4,238		4,450		4,672		4,906		5,151		5,409
Assistant	37,949		39,846		41,838		43,930		46,127		48,433		50,855		53,398		56,067		58,871		61,814		64,905

Approved May 9, 2017

Proposed May 14, 2019 - set constant of percentages, added Step L, adjusted to Minimum Wage Increase Effective 1/1/2019 (\$12), adjusted step intervals between 5 & 20 years

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT - Classified Salary Schedule

	A		B		C		D		E		F		G		H		I		J		K		L	
Position	Yr 1		Yr 2		Yr 3		Yr 4		Yr 5		Yr 8		Yr 11		Yr 14		Yr 17		Yr 20		Yr 25		Yr 30	
Noon Supervisor	12.00	5.00%	12.60	5.00%	13.23	5.00%	13.89	5.00%	14.59	5.00%	15.32	5.00%	16.08	5.00%	16.89	5.00%	17.73	5.00%	18.62	5.00%	19.55	5.00%	20.52	
	2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%		2.23%	
Cafeteria Work	12.27	5.00%	12.88	5.00%	13.53	5.00%	14.20	5.00%	14.91	5.00%	15.66	5.00%	16.44	5.00%	17.26	5.00%	18.12	5.00%	19.03	5.00%	19.98	5.00%	20.98	
	10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%		10.55%	
Cashier	13.56	5.00%	14.24	5.00%	14.95	5.00%	15.70	5.00%	16.48	5.00%	17.31	5.00%	18.17	5.00%	19.08	5.00%	20.04	5.00%	21.04	5.00%	22.09	5.00%	23.20	
Instructional Aide	13.56	5.00%	14.24	5.00%	14.95	5.00%	15.70	5.00%	16.48	5.00%	17.31	5.00%	18.17	5.00%	19.08	5.00%	20.04	5.00%	21.04	5.00%	22.09	5.00%	23.20	
	4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%	
Transportation Clerk	14.21	5.00%	14.92	5.00%	15.67	5.00%	16.45	5.00%	17.27	5.00%	18.13	5.00%	19.04	5.00%	19.99	5.00%	20.99	5.00%	22.04	5.00%	23.14	5.00%	24.30	
	2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%		2.75%	
Cook I	14.60	5.00%	15.33	5.00%	16.10	5.00%	16.90	5.00%	17.75	5.00%	18.63	5.00%	19.56	5.00%	20.54	5.00%	21.57	5.00%	22.65	5.00%	23.78	5.00%	24.97	
	2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%		2.06%	
Library Aide	14.90	5.00%	15.65	5.00%	16.43	5.00%	17.25	5.00%	18.11	5.00%	19.02	5.00%	19.97	5.00%	20.97	5.00%	22.01	5.00%	23.12	5.00%	24.27	5.00%	25.48	
	5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%		5.99%	
Custodian	15.79	5.00%	16.58	5.00%	17.41	5.00%	18.28	5.00%	19.20	5.00%	20.16	5.00%	21.16	5.00%	22.22	5.00%	23.33	5.00%	24.50	5.00%	25.72	5.00%	27.01	
	7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%		7.06%	
Maintenance Custodian	16.91	5.00%	17.75	5.00%	18.64	5.00%	19.57	5.00%	20.55	5.00%	21.58	5.00%	22.66	5.00%	23.79	5.00%	24.98	5.00%	26.23	5.00%	27.54	5.00%	28.92	
	15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%		15.50%	
Classroom Specialist	19.53	5.00%	20.50	5.00%	21.53	5.00%	22.61	5.00%	23.74	5.00%	24.92	5.00%	26.17	5.00%	27.48	5.00%	28.85	5.00%	30.29	5.00%	31.81	5.00%	33.40	
	4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%		4.85%	
Plant Maint./Bus Driver	20.48	5.00%	21.50	5.00%	22.57	5.00%	23.70	5.00%	24.89	5.00%	26.13	5.00%	27.44	5.00%	28.81	5.00%	30.25	5.00%	31.76	5.00%	33.35	5.00%	35.02	

Approved August 8, 2017, Transportation Clerk added September 12, 2017

Approved December 12, 2017 - Minimum Wage Increase Effective 1/1/2018 (\$11)

Approved December 11, 2018 - Minimum Wage Increase Effective 1/1/2019 (\$12)

Proposed May 14, 2019 - set constant of percentages, added Step L, adjusted to Minimum Wage Increase Effective 1/1/2019 (\$12)

SIERRA COUNTY OFFICE OF EDUCATION - Classified Salary Schedule

	A		B		C		D		E		F		G		H		I		J		K		L
POSITION									YR 5		YR 8		YR 11		YR 14		YR 17		YR 20		YR 25		YR 30
BEHAVIOR ATTENDANT	12.00	5.00%	12.60	5.00%	13.23	5.00%	13.89	5.00%	14.59	5.00%	15.32	5.00%	16.08	5.00%	16.89	5.00%	17.73	5.00%	18.62	5.00%	19.55	5.00%	20.52
	6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%		6.38%
TRANSPORTATION AIDE	12.77	5.00%	13.40	5.00%	14.07	5.00%	14.78	5.00%	15.52	5.00%	16.29	5.00%	17.11	5.00%	17.96	5.00%	18.86	5.00%	19.80	5.00%	20.79	5.00%	21.83
	1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%		1.33%
INSTRUCTIONAL AIDE	12.94	5.00%	13.58	5.00%	14.26	5.00%	14.97	5.00%	15.72	5.00%	16.51	5.00%	17.33	5.00%	18.20	5.00%	19.11	5.00%	20.07	5.00%	21.07	5.00%	22.12
	4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%		4.77%
CLERK TYPIST	13.55	5.00%	14.23	5.00%	14.94	5.00%	15.69	5.00%	16.47	5.00%	17.30	5.00%	18.16	5.00%	19.07	5.00%	20.02	5.00%	21.02	5.00%	22.08	5.00%	23.18
	4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%		4.93%
WORKABILITY AIDE	13.57	5.00%	14.25	5.00%	14.96	5.00%	15.71	5.00%	16.50	5.00%	17.32	5.00%	18.19	5.00%	19.10	5.00%	20.05	5.00%	21.06	5.00%	22.11	5.00%	23.21
GARDEN TECHNICIAN	13.57	5.00%	14.25	5.00%	14.96	5.00%	15.71	5.00%	16.50	5.00%	17.32	5.00%	18.19	5.00%	19.10	5.00%	20.05	5.00%	21.06	5.00%	22.11	5.00%	23.21
	3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%		3.13%
INSTRUCTIONAL AIDE (SH)	14.00	5.00%	14.70	5.00%	15.43	5.00%	16.20	5.00%	17.01	5.00%	17.87	5.00%	18.76	5.00%	19.70	5.00%	20.68	5.00%	21.72	5.00%	22.80	5.00%	23.94
	4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%		4.03%
CAREER TECH	14.56	5.00%	15.29	5.00%	16.05	5.00%	16.86	5.00%	17.70	5.00%	18.59	5.00%	19.51	5.00%	20.49	5.00%	21.51	5.00%	22.59	5.00%	23.72	5.00%	24.91
	3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%		3.43%
CUSTODIAN	15.06	5.00%	15.81	5.00%	16.61	5.00%	17.44	5.00%	18.31	5.00%	19.22	5.00%	20.18	5.00%	21.19	5.00%	22.25	5.00%	23.37	5.00%	24.53	5.00%	25.76
	14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%		14.41%
WORKABILITY COORDINATOR	17.23	5.00%	18.09	5.00%	19.00	5.00%	19.95	5.00%	20.95	5.00%	21.99	5.00%	23.09	5.00%	24.25	5.00%	25.46	5.00%	26.73	5.00%	28.07	5.00%	29.47

Approved May 9, 2017, SH Aide Added September 21, 2017

Added Transportation Aide February 13, 2018

Approved December 11, 2018 - Minimum Wage Increase Effective 1/1/2019 (\$12)

Added Garden Technician March 12, 2019

Proposed May 14, 2019 - set constant of percentages, added Step L, adjusted to Minimum Wage Increase Effective 1/1/2019 (\$12)

# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

## CERTIFICATED PERSONNEL

### 2019-2020 Extra Duty Assignments – Athletics

#### Positions To Be Filled

<u>Coaching Assignments</u>	<u>STIPEND</u>
Athletic Director - Loyalton High/\$2,500 per season x3/\$7,500 cap	\$7,500 cap
Athletic Director – Downieville/\$500 per team or \$2,000 cap	\$2,000 cap
Athletic Director - Loyalton Elementary 6,7,8	\$1,000
Varsity Football, LHS	\$2,000
Assistant Varsity Football, LHS	\$1,500
Varsity Basketball - Boys	\$2,000
J.V. Basketball – Boys	\$2,000
Varsity Basketball - Girls	\$2,000
J.V Basketball – Girls	\$2,000
7 <sup>th</sup> Grade Basketball – Boys	\$500
8 <sup>th</sup> Grade Basketball – Boys	\$500
7 <sup>th</sup> Grade Basketball - Girls	\$500
8 <sup>th</sup> Grade Basketball – Girls	\$500
7 <sup>th</sup> /8 <sup>th</sup> Gr COED Basketball, DVL	\$1,500
Boys Baseball	\$2,000
Girls Softball	\$2,000
Varsity Volleyball - Girls	\$2,000
JV Volleyball – Girls	\$1,500
Track	\$2,000
Tennis	\$1,500
Cheerleading Advisor-per season, max 2 season per year	\$2,000
Golf	\$1,500
Cross Country	\$500
Physical Fitness Coordinator District-wide	\$500
Soccer	\$2,000

# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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Doc:Personnel/Extra Duty Posting SPTA\_2016-17\_BOARD\_May 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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**CERTIFICATED PERSONNEL**

**2019-2020 Extra Duty Assignments – Non-Athletics**

**Positions To Be Filled**

<b>Position</b>	<b>Stipend</b>
WASC LEAD	
Loyalton Maintenance Year	\$1,000
Downieville Mid-term visitation year	\$1,500
Site Technology Coordinator	\$1,500
Loyalton Elementary	
Loyalton Junior/Senior High 7-12	
Downieville K-12	
Teacher-In-Charge per semester	\$1,000
Loyalton Elementary	
Loyalton Junior/Senior High 7-12	
Lead Teacher Downieville per month	\$1,000
Response to Intervention	
Loyalton High 7-12	\$1,500
Downieville K-12	\$1,000
Loyalton Elementary	\$1,500
Friday Night Live Program Advisor	
Friday Night Live, Club Live, Friday, Night Kids	
Loyalton Elementary, Loyalton High	\$2,000
Downieville K-12	\$1,000



# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

## CERTIFICATED PERSONNEL

### 2019-2020 Extra Duty Assignments

<u>Position</u>	<u>Compensation</u>
WASC Lead Maintenance Years (LHS, Downieville)	\$1,000
Site Technology Coordinator (LES TK-6, LHS 7-12, Downieville K-12)	\$1,500
Lead Teacher (Downieville)	\$1,000 per month
<b>Response to Intervention Coordinator</b>	
Loyalton High Grades 7-12	\$1,500
Downieville School Grades K-12	\$1,000
Loyalton Elementary Grades TK-6	\$1,500
<b><u>Athletic Director</u></b>	
Loyalton High	\$7,500 cap; \$2,500 per team
Downieville Jr/Sr High	\$2,000 cap; \$500 per team
Loyalton Grades 6,7,8	\$1,000
<b><u>Coaching Assignments</u></b>	
Athletic Director - Loyalton High/\$2,500 per season x3/\$7,500 cap	\$7,500 cap
Athletic Director – Downieville/\$500 per team or \$2,000 cap	\$2,000 cap
Athletic Director - Loyalton Elementary 6,7,8	\$1,000
Varsity Football, LHS	\$2,000
Assistant Varsity Football, LHS	\$1,500
Varsity Basketball - Boys	\$2,000
J.V. Basketball – Boys, LHS	\$2,000
Varsity Basketball - Girls	\$2,000
J.V Basketball – Girls, LHS	\$2,000
7 <sup>th</sup> Grade Basketball – Boys	\$500
8 <sup>th</sup> Grade Basketball – Boys	\$500
7 <sup>th</sup> Grade Basketball - Girls	\$500
8 <sup>th</sup> Grade Basketball – Girls	\$500
7 <sup>th</sup> /8 <sup>th</sup> Gr COED Basketball, DVL	\$1,500
Boys Baseball	\$2,000
Girls Softball	\$2,000



# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

<b>Varsity Volleyball - Girls</b>	<b>\$2,000</b>
<b>JV Volleyball – Girls</b>	<b>\$1,500</b>
<b>Track</b>	<b>\$2,000</b>
<b>Tennis</b>	<b>\$1,500</b>
<b>Cheerleading Advisor-per season, max 2 season per year</b>	<b>\$2,000</b>
<b>Golf</b>	<b>\$1,500</b>
<b>Cross Country</b>	<b>\$500</b>
<b>Physical Fitness Coordinator District-wide</b>	<b>\$500</b>
<b>Advisor Friday Night Live Loyalton Grades 9-12</b>	<b>\$2,000</b>
<b>Advisor Club Live Loyalton Grades 7-8</b>	<b>\$2,000</b>
<b>Advisor Friday Night Live Kids Loyalton Grades K-6</b>	<b>\$2,000</b>
<b>Advisor Friday Night Live Downieville Grades 9-12</b>	<b>\$1,000</b>
<b>Advisor Club Live Downieville Grades 7-8</b>	<b>\$1,000</b>
<b>Advisor Friday Night Live Kids Downieville Grades K-6</b>	<b>\$1,000</b>

**SIERRA COUNTY OFFICE OF EDUCATION**

**RESOLUTION NO. 20-001C**

**SET SUPERINTENDENT SALARY**

**WHEREAS**, the County Superintendent of Schools shall be appointed by the Sierra County Board of Education; and

**WHEREAS**, the California Constitution, Article 9, Section 3.1(b) authorizes the County Board to set the County Superintendent’s salary; and

**WHEREAS**, pursuant to Education Code §35034 and §35035 the County Superintendent may serve as District Superintendent, Chief Executive Officer and Secretary of the District Governing Board; and

**WHEREAS**, the County Superintendent of Schools may serve as both County and District Superintendent; and

**WHEREAS**, the County Superintendent salary will be set at \$26,138 (reflecting a 2.5% increase over present 2018/19 fiscal year), per annum. Said salary shall be payable in twelve (12) equal monthly payments payable on the last working day of each calendar month with the first payment on July 31, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** that effective upon being appointed County Superintendent of Schools effective July 1, 2018, the Sierra County Superintendent of Schools shall be paid \$26,138 for services July 1, 2019, through June 30, 2022.

**PASSED AND ADOPTED** by the Sierra County Board of Education on this 14<sup>th</sup> day of May, 2019, by the following votes:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
VACANT: \_\_\_\_\_

\_\_\_\_\_  
Andy J. Genasci, Clerk

## POLICY GUIDE SHEET—May 2019

### 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.

### BP/AR 3100 - Budget

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 1808)** which requires districts to annually develop, adopt, and post an LCFF budget overview for parents/guardians and to file the budget overview with the county superintendent of schools. Section on "Long-Term Financial Obligations" revised to reflect **NEW LAW (SB 1413)** which establishes the California Employers' Pension Prefunding Trust Program to allow districts to prefund required contributions to the California Public Employees' Retirement System. Regulation updated to emphasize that any recommendations by the budget advisory committee should be consistent with the district's vision, goals, priorities, LCAP, and other comprehensive plans and to clarify that a regional budget review committee convened by the county superintendent of schools requires approval of the Superintendent of Public Instruction as well as the district board.

### BP/AR 3260 - Fees and Charges

(BP/AR revised)

Policy and regulation updated to add new section on "Collection of Debt," reflecting **NEW LAW (AB 1974)** which prohibits negative action against a student or former student for a debt owed to the school and requires districts to provide parents/guardians with an itemized invoice that references applicable district policies. Regulation also revised to more directly reflect the most recent CDE fiscal advisory regarding student fees.

### BP/AR 3515.4 - Recovery for Property Loss or Damage

(BP/AR revised)

Policy updated to reflect the 2019 limits for parent/guardian liability for property loss or damage caused by a child's willful misconduct and for any reward paid for information leading to the identification of persons responsible for property damage. Policy also reflects **NEW LAW (AB 1974)** which prohibits the collection of debt owed by a current or former homeless or foster youth. Regulation updated to reflect the requirement to offer an option for a student to provide work in lieu of payment when the parents/guardians are unable to pay, and AB 1974 which allows the district, at its discretion, to offer any student, regardless of ability to pay, a nonmonetary means to settle debt. Regulation also adds a paragraph allowing the district to withhold a student's grades, diplomas, or transcripts until the damages have been recovered. Section on "Payment of Reward" deleted and key concepts moved to BP.

### BP/AR 4030 - Nondiscrimination in Employment

(BP/AR revised)

Policy and regulation updated to clarify applicability of the policy to nonemployees providing services to the district pursuant to a contract. Policy reflects **NEW STATE REGULATIONS (Register 2018, No. 20)** which add a definition of national origin and make it an unlawful employment practice to inquire into or discriminate against an employee on the basis of immigration status. Policy also reflects **NEW LAW (SB 1300)** which (1) prohibits districts from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or release the right to file a claim against the district for unlawful acts in the workplace, including sexual harassment, and (2) provides that a district may be responsible for any harassment (not just sexual harassment) of employees by nonemployees if the district knows or should have known of the conduct and failed to take action. Regulation revises section on "Measures to Prevent Discrimination" to reflect a requirement, formerly in BP, to post the California Department of Fair Employment and Housing (DFEH) poster on workplace discrimination and harassment and to add the requirement to post the DFEH poster on the rights of transgender employees. Regulation also reflects **NEW LAW (SB 1300)** which authorizes training on bystander intervention.

#### **AR 4161.1/4361.1 - Personal Illness/Injury Leave**

(AR revised)

Regulation updated to revise section on "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" to clarify that, for districts choosing Option 2, employees must receive "at least" 50 percent of their regular salary during the additional period of absence. Section on "Parental Leave" updated to reflect **NEW LAW (AB 2012)** which requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave.

#### **AR 4261.1 - Personal Illness/Injury Leave**

(AR revised)

Regulation updated to revise section on "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" to clarify that, for districts choosing Option 2, employees must receive "at least" 50 percent of their regular salary during the additional period of absence. Section on "Parental Leave" updated to reflect **NEW LAW (AB 2012)** which requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave.

#### **BP/AR 5117 - Interdistrict Attendance**

(BP/AR revised)

Policy updated to delete references to the Open Enrollment Act since schools are not currently being identified as low achieving based on the Academic Performance Index, update legal cites, and clarify the continuing requirement to register as a school district of choice with the Superintendent of Public Instruction and county board of education before enrolling students under that program. Regulation updated to reflect **NEW LAW (AB 2826)** which adds a requirement, applicable to districts that have entered into interdistrict attendance agreements, to post on their web site the procedures and timelines for requests for interdistrict transfer permits. Regulation also reflects timelines added by AB 2826 for notifying parents/guardians of the district's granting or denial of the transfer request, which differ for current-year and future-year transfer requests, and for the parent/guardian's appeal of the district's decision to the county office of education. In section on "School District of Choice Program," material deleted regarding the denial of a transfer into the district based on a negative impact on a desegregation plan or the racial/ethnic balance of the district, as such grounds are only applicable to transfers out of the district.

#### **E 5145.6 - Parental Notifications**

(E revised)

Exhibit reflects **NEW LAWS** requiring parental notice of the rights of pregnant and parenting students (**AB 2289**), mental health services available in the school and community (**AB 2022**), risks and effects of lead exposure when child enrolls in a licensed child care center or preschool (**AB 2370**), and specified educational rights of migrant students and newly arrived immigrant students in grades 11-12 (**AB 2121**). Exhibit also deletes two items related to Open Enrollment Act transfers since schools are not currently being identified as low achieving under this program. Section V updated to add legal cite pursuant to **NEW LAW (AB 1808)** which requires classroom notice on Williams UCP to include health and safety issues in license-exempt California State Preschool Programs.

# 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: May 14, 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](http://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: May 14, 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.

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(Signature)

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(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  
revised: October 14, 2014  
revised: May 14, 2019



# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3100

### BUDGET

The Governing Board recognizes its critical responsibility for adopting a sound budget each fiscal year which is aligned with and reflects the County/District's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans. The County/District budget shall guide decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the County/District.

*(cf. 0000 - Vision)*

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

*(cf. 0400 - Comprehensive Plans)*

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

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 9000 - Role of the Board)*

The County/District budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

### **Budget Development and Adoption Process**

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified County/District needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed County/District budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

Note: Education Code 42103 and 42127 require the district to hold a public hearing prior to adoption of the budget. A public hearing on the district's local control and accountability plan (LCAP) must occur at the same meeting as the public hearing on the proposed budget. See the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan for requirements pertaining to the public hearing.

Pursuant to Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), districts are required, by July 1, 2019, to develop a local control funding formula (LCFF) budget overview for parents/guardians with specified information, based on a template created by the Superintendent of Public Instruction (SPI). The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The adoption, review, approval, and posting of the budget overview are subject to the same requirements as for the LCAP, including the requirement for a public hearing.

The Board shall hold a public hearing on the proposed budget in accordance with Education Code 42103 and 42127. The hearing shall occur at the same meeting as the public hearing on the district's LCAP and the local control funding formula (LCFF) budget overview for

parents/guardians. (Education Code 42103, 42127, 52062, 52064.1)

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

The Board shall adopt the County/District budget ~~on or before July 1 of each year. (Education Code 42127)~~ At a public meeting scheduled on a date held after the date of the public hearing on the budget, the but on or before July 1 of each year. The Board shall, adopt the budget following its adoption of the LCAP, or ~~an~~ annual update to the LCAP, ~~adopt~~ and the LCFF budget overview for parents/guardians. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127, 52062)

Note: Pursuant to Education Code 42126, the district budget must be in a format prescribed by the SPI. The SPI has established a requirement that districts use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures.

The budget that is presented at the public hearing as well as the budget formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction- ~~(SPI).~~ (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

Note: Education Code 42127 requires the district to file the adopted budget with the County Superintendent of Schools as described below. If the district fails to submit a budget by July 1, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Board.

No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file the adopted district budget with the County Superintendent of ~~Schools~~ ~~the adopted district budget and supporting data.~~ The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

*(cf. 1340 - Access to District Records)*

Note: Pursuant to Education Code 42127, on or before September 15, the County Superintendent must approve, conditionally approve, or disapprove the district's adopted budget. Education Code 42127 requires that this determination be based on a consideration of whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and multiyear financial obligations, includes the expenditures necessary to implement the LCAP or annual update to the LCAP, satisfies all conditions established by the County Superintendent in the case of a conditionally approved budget, and complies with the requirements pertaining to ending fund balances that exceed the state minimum recommended reserve.

Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability.

If the County Superintendent disapproves or conditionally approves the district's budget, the Board shall review and respond to his/her the County Superintendent's recommendations at a regular public meeting on or before October 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

## Budget Advisory Committee

Note: The following optional section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.

This committee is different from the budget review committee that is required pursuant to Education Code 42127 and 42127.1 if the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

The committee shall submit recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 3350 - Travel Expenses)*

*(cf. 9130 - Board Committees); (cf. 9140 - Board Representatives)*

## Budget Criteria and Standards

The ~~Superintendent or designee shall develop a~~ County/District budget shall be developed in accordance with state criteria and standards specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, ~~local control funding formula~~LCFF revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, ~~unrestricted general~~ fund balance, and reserves. In addition, ~~he/she~~the Superintendent or designee shall provide the supplemental information specified in 5 CCR 15451 which addresses the methodology and budget assumptions used, contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, ~~33128.3~~, 33129, 42127.01; 5 CCR 15440-15451)

Note: The following paragraph is for use by districts that receive supplemental and concentration funding within the LCFF based on the number and concentration of "unduplicated students" (i.e., students who are eligible for free or reduced-price meals, English learners, and foster youth) pursuant to Education Code 42238.02 and 42238.03. 5 CCR 15496 addresses the method of determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year. Pursuant to 5 CCR 15496, the district's LCAP must include evidence demonstrating how LCFF funding apportioned on the basis of unduplicated students is used to support such students; see AR 0460 - Local Control and Accountability Plan.

The County/District budget shall provide for ~~increasing~~increased or ~~improving~~improved services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students in accordance with 5 CCR 15496. *Unduplicated students* are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

(cf. 3553 - Free and Reduced Price Meals)  
 (cf. 6173.1 - Education for Foster Youth)  
 (cf. 6174 - Education for English Learners)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, program requirements, and any other factors necessary to ensure that the budget is a realistic plan for County/District revenues and expenditures.

(cf. 2210 - Administrative Discretion Regarding Board Policy)  
 (cf. 3110 - Transfer of Funds)

## Fund Balance

Note: The following section should be revised to reflect district practice. GASB Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; also see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. *Nonspendable fund balance* includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. *Restricted fund balance* includes amounts constrained to specific purposes by their providers or by law.

Note: For purposes of the committed fund balance, GASB 54 requires that the Board commit funds no later than the end of the reporting period. In New Requirements for Reporting Fund Balance in Governmental Funds, the CDE clarifies that for districts the end of the reporting period is June 30.

3. *Committed fund balance* includes amounts constrained to specific purposes by the Board.

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period (June 30), although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. *Assigned fund balance* includes amounts which are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements. The Superintendent ~~may~~shall have discretion to further delegate the authority to assign funds ~~at his/her discretion~~.

5. *Unassigned fund balance* includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the County/District shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the assigned fund balance, and lastly from the unassigned fund balance.

Note: Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's Best Practice: Fund Balance Guidelines for the General Fund describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, potential impact on bond ratings and the corresponding increased cost of borrowed funds, and portion of unrestricted fund balance already committed or assigned for a specific purpose.

The Board intends to maintain a minimum assigned and unassigned fund balance in an amount the Board deems sufficient to maintain fiscal solvency and stability and to protect the County/District against unforeseen circumstances.

Note: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year).

If the assigned and unassigned fund balance falls below the level set by the Board due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

### **Reserve Balance**

Note: 5 CCR 15450 establishes a minimum local reserve balance for economic uncertainties based on the district's average daily attendance (ADA). The minimum reserve balance is the greater of five percent or \$55,000 for districts with 0-300 ADA; the greater of four percent or \$55,000 for districts with 301-1,000 ADA; three percent for districts with 1,001-30,000 ADA; two percent for districts with 30,001-400,000 ADA; and one percent for districts with over 400,000 ADA. The following paragraph may be revised to reflect the minimum reserve applicable to the district's ADA.

The district budget shall include a minimum reserve balance for economic uncertainties that is consistent with the percentage or amount specified in 5 CCR 15450.

Note: Education Code 42127.01 establishes, under certain conditions, a maximum amount of local reserve balance for economic uncertainties. Pursuant to Education Code 42127.01, if the amount of monies in the state Public School System Stabilization Account is three percent or more of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district's combined assigned or unassigned ending general fund balance must not exceed 10 percent of those funds in the immediately following fiscal year.

Basic aid districts, as described in Education Code 42238.02, and districts with 2,500 or less ADA are exempted from this requirement and may delete the following paragraph. Other districts may also be exempted from this requirement by the County Superintendent for up to two consecutive fiscal years within a three-year period upon providing documentation of extraordinary fiscal circumstances (e.g., multiyear infrastructure or technology projects) that substantiate the need for a reserve in excess of the limit specified in Education Code 42127.01.

In any year ~~that following the fiscal year in which~~ the district is notified by the ~~Superintendent of Public Instruction~~ SPI that the amount of monies in the state Public School System Stabilization Account equals or exceeds three percent of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district budget shall not contain a combined assigned or unassigned ending general fund balance that is in excess of 10 percent of these funds. ~~—(, unless the requirement is waived in accordance with~~ Education Code ~~41202,42127.01.~~ (Education Code 42127.01)

### **Long-Term Financial Obligations**

The County/District's current-year budget and multiyear projections shall include adequate provisions for addressing the County/District's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

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

*(cf. 7210 - Facilities Financing)*

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

Note: The following paragraph is optional. Government Code 21710-21716, as added by SB 1413 (Ch. 665, Statutes of 2018), establish the California Employers' Pension Prefunding Trust Program and related Trust Fund, allowing districts that provide a defined benefit pension plan to their employees to prefund required pension contributions to the California Public Employees' Retirement System (CalPERS). Districts may elect to participate in the Prefunding Trust Program for the purpose of investing payments toward their required CalPERS pension contributions.

The Board may approve a plan for meeting the district's long-term obligations to fund contributions to the California Public Employees' Retirement System (CalPERS) which, to the extent possible, minimizes significant increases in annual general fund expenditures towards pension obligations. The plan may include prefunding required pension contributions through the California Employers' Pension Prefunding Trust Program pursuant to Government Code 21710-21716.

Note: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members) and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt to the extent possible using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

GASB Statement 75 requires districts that do not provide OPEB through a trust to report the total unfunded liability (i.e., OPEBs that are not prefunded) in the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's OPEB Solutions Program provides access to a trusted source of analysis and a GASB 75-compliant trust to prefund future obligations. See CSBA's web site for further information.

The Board shall approve a plan for meeting the County/District's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the County/District's annual fiscal obligations

for such benefits in a manner that continually reduces the deficit to the County/District to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the County/District and maintains flexibility to adjust for changing budgetary considerations.

~~When the~~The Superintendent or designee ~~presents~~shall annually present a report to the Board on the estimated accrued but unfunded cost of OPEBs, ~~the Board shall disclose, as~~ As a separate agenda item at the same meeting, the Board shall disclose whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

Note: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

The Superintendent or designee ~~presents~~shall annually present a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, ~~the Board shall disclose, as~~ and the actuarial reports upon which the estimated costs are based. As a separate agenda item at the same meeting, the Board shall disclose whether ~~or not~~ it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

### **Budget Amendments**

Note: The following section is optional and should be revised to reflect district practice.

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which occur as a result of the funding made available by that Budget Act. (Education Code 42127)

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the County/District's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval as necessary when collective bargaining agreements are accepted, County/District income declines, increased revenues or unanticipated savings are made available to the County/District, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

*Legal Reference:*EDUCATION CODE

1240 Duties of county superintendent of schools  
 33127-33131 Standards and criteria for local budgets and expenditures  
 41202 Determination of minimum level of education funding  
 42103 Public hearing on proposed budget; requirements for content of proposed budget  
 42122-42129 Budget requirements  
 42130-42134 Financial certifications  
 42140-~~42141~~42142 Disclosure of fiscal obligations  
 42238-42251 Apportionments to districts, especially:  
 42238.01-42238.07 Local control funding formula  
 42602 Use of unbudgeted funds  
 42610 Appropriation of excess funds and limitation thereon  
 45253 Annual budget of personnel commission  
 45254 First year budget of personnel commission  
 52060-52077 Local control and accountability plan

GOVERNMENT CODE

7900-7914 Appropriations limit  
 21710-21716 California Employer's Pension Prefunding Trust Program  
CODE OF REGULATIONS, TITLE 5  
 15060 Standardized account code structure  
 15440-15451 Criteria and standards for school district budgets  
 15494-~~15496~~15497 Local control funding formula, supplemental and concentration grant expenditures

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia School Accounting ManualNew Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONSFiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation,December 2015 GOVERNMENT FINANCE OFFICERS ASSOCIATIONBest Practice: ~~Appropriate Level of Unrestricted Fund Balance in~~ Guidelines for the General Fund, 2009 September 2015GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTSStatement 75, Accounting and Financial Reporting ~~by Employers~~ for Post-employment Benefits Other Than Pensions, June 2015Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, ~~March~~ February 2009WEB SITESCSBA: [-http://www.csba.org](http://www.csba.org)Association of California School Administrators: [-http://www.acsa.org](http://www.acsa.org)California Department of Education, Finance and Grants: [-http://www.cde.ca.gov/fg](http://www.cde.ca.gov/fg)California Department of Finance: [-http://www.dof.ca.gov](http://www.dof.ca.gov)Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>Government Finance Officers Association: <http://www.gfoa.org>Governmental Accounting Standards Board: <http://www.gasb.org>School Services of California, Inc.: [-http://www.sscal.com](http://www.sscal.com)

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

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revised: April 14, 2015

revised: January 9, 2018

revised: May 14, 2019



# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations \_\_\_\_\_ AR 3100

### BUDGET

#### Budget Advisory Committee

Note: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the County/District's budget advisory committee may include representatives of each of the following groups:

1. Governing Board of Education members, provided that less than a majority of the Board serves on the committee  
*(cf. 9140 - Board Representatives)*
2. County/District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members
7. Students  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 2230 - Representative and Deliberative Groups)*  
*(cf. 9130 - Board Committees)*

Note: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy.

The committee's duties may include, but are not necessarily ~~be~~-limited to:

1. Making recommendations regarding budget priorities which align with the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications

4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

*(cf. 3350 - Travel Expenses)*

## Public Hearing

Note: Pursuant to Education Code 52062, the public hearing on the budget must be at the same meeting as the public hearing on the local control and accountability plan (LCAP). In addition, pursuant to Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), districts are required to develop a local control funding formula budget overview for parents/guardians through a process that meets the requirements of Education Code 52062, including the requirement for a public hearing. See the accompanying Board policy and BP 0460 - Local Control and Accountability Plan.

The agenda for the public hearing on the district budget shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127, 52062)

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

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

The Superintendent or designee shall notify the County Superintendent of Schools of the location, ~~and~~ dates, ~~and times~~ at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing, as required by Education Code 42103.

Whenever the proposed district budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties adopted by the State Board of Education, the district shall provide, for each fiscal year included in the budget, the following information for public review and discussion at the public hearing: (Education Code 42127; 5 CCR 15450)

1. The minimum recommended reserve for economic uncertainties
2. The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve
3. A statement of reasons substantiating the need for the combined assigned and unassigned ending balances that are in excess of the minimum recommended reserve

During the hearing, any County/District resident may ~~speak~~ appear and object to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

*(cf. 9323 - Meeting Conduct)*

## Budget Review Committee for Disapproved Budgets

Note: Pursuant to Education Code 42127, if the County Superintendent conditionally approves or disapproves the district's initial budget, the district must respond to the County Superintendent's recommendations by October 8; see the accompanying Board policy. If the County Superintendent then disapproves that revised budget, Education Code 42127 and 42127.1 require the County Superintendent to call for the formation of a budget review committee unless the Governing Board and the County Superintendent agree to waive the committee requirement and the California Department of Education agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

Education Code 42127 provides that the County Superintendent cannot call for the formation of a budget review committee if the sole reason for disapproving the district's budget is disapproval of the district's LCAP or the annual update to the LCAP.

If the district's budget is disapproved by the County Superintendent for any reason other than ~~his/her~~ disapproval of the district's ~~local control and accountability plan~~ (LCAP) or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

Note: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the Superintendent of Public Instruction (SPI) within five working days of receiving the list, as provided in item #1 below, the SPI will select and convene the committee no later than 10 working days after the district's receipt of the candidate list.

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the Superintendent of Public Instruction (SPI), who shall be selected within five working days after receiving the list of candidates
2. A regional review committee selected and convened by the County Superintendent with the approval of the Board and SPI

Note: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by November 30, its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget. The SPI may extend this deadline for up to 15 working days.

If the budget review committee recommends disapproval of the County/District budget, the Board may submit a response to the SPI no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

If the SPI disapproves the County/District budget after reviewing the committee's report and the County/District's response, the Board shall consult with the County Superintendent ~~as he/she develops to develop~~ and ~~adopts adopt~~, by ~~November 30~~ December 31, a fiscal plan and budget that will allow the County/District to meet its current fiscal year and multiyear financial obligations. For the current fiscal year, the County/District shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the County/District receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

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

Regulation approved: April 10, 2007

revised: June 14, 2011

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*\*\*Revisions\*\* -- reviewed and okayed by Business Manager, Nona Griesert, and Accounting Technician III, Adrienne Garza*

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3260

### FEES AND CHARGES

Note: Pursuant to Education Code 49011, a district is prohibited from requiring students to pay a fee, deposit, or other charge in order to participate in an educational activity as defined in Education Code 49010. A district is also required to provide the supplies, materials, and equipment needed by students to participate in educational activities. Education Code 49011 clarifies that an otherwise impermissible fee would not be made permissible by the provision of a waiver for some students. However, pursuant to 5 CCR 350, a district is permitted, in certain circumstances, to impose fees that are specifically authorized by law. See the accompanying administrative regulation for a list of permissible fees.

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students/student participation in the district's educational program are made available to them/students at no cost.

No student shall be required to pay a fee, deposit, or other charge for ~~his/her~~ participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

*(cf. 3100 - Budget); (cf. 6145 - Extracurricular and Cocurricular Activities)*

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of ~~district~~ students' families and their ability to pay.

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

*(cf. 0415 - Equity)*

*(cf. 3250 - Transportation Fees)*

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

*(cf. 5143 - Insurance)*

*(cf. 9323.2 - Actions by the Board)*

Note: The following optional paragraph may be revised to reflect district practice. The prohibition against student fees ~~shall pursuant to Education Code 49011 does~~ not restrict ~~the district/districts~~ from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities. However, according to the California Department of Education's (CDE) Fiscal Management Advisory 17-01, Pupil Fees, Deposits, and Other Charges, the prohibition against student fees does bar a district from requiring volunteer hours as a condition of admission, enrollment, continued enrollment, sibling preference, attendance, participation in educational activities, or receipt of credit or privileges related to educational activities.

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. -The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or

participation in fundraising activities by or on behalf of the student. ~~It~~ The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

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

*(cf. 3290 - Gifts, Grants and Bequests)*

Note: The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

## Complaints

Note: Pursuant to Education Code 49013, a district is mandated to adopt policy and procedures which allow complaints to be filed using the uniform complaint procedures when the district is alleged to have violated the prohibition against requiring unauthorized student fees. See BP/AR 1312.3 - Uniform Complaint Procedures for language implementing this mandate.

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

*(cf. 1312.3 - Uniform Complaint Procedures)*

Note: Education Code 49013 requires districts found in violation of the prohibition against student fees to design a remedy which may include reasonable efforts to identify and fully reimburse all affected individuals as specified in 5 CCR 4600. See AR 1312.3 - Uniform Complaint Procedures for additional language reflecting these requirements.

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

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

*(cf. 5145.6 - Parental Notifications)*

## Collection of Debt

Note: Education Code 49014 (the Public School Fair Debt Collection Act), as added by AB 1974 (Ch. 577, Statutes of 2018), establishes requirements for districts to follow when seeking to recover a debt owed by students and/or parents/guardians, including debts resulting from unpaid fees lawfully imposed by a district. See the accompanying administrative regulation for additional language reflecting these requirements.

The debt collection requirements of this Act do not apply to debt owed as a result of vandalism or loss of district property loaned to the student. For further information in regard to such debt, see AR 3515.4 - Recovery for Property Loss or Damage.

For information regarding meal payments, including the collection of delinquent meal charges, see BP/AR 3551 - Food Service Operations/Cafeteria Fund.

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

*Legal Reference:*

EDUCATION CODE

8239 *Preschool and wraparound child care services*  
 8250 *Child care and development services for children with disabilities*  
 8263 *Child care eligibility*  
 8422 *21st Century High School After School Safety and Enrichment for Teens programs*  
 8482.6 *After School Education and Safety programs*  
 8760-8774 *Outdoor science ~~and~~ conservation, and forestry programs*  
 17453.1 *District sale or lease of Internet appliances or personal computers to parents of students*  
 17551 *Property fabricated by students*  
 19910-19911 *Offenses against libraries*  
 32033 *Eye protective devices*  
 32221 *Insurance for athletic team member*  
 32390 *Fingerprinting program*  
 35330-35332 *Excursions and field trips*  
 35335 *School camp programs*  
 38080-38086.1 *Cafeteria establishment and use*  
 38120 *Use of school band equipment on excursions to foreign countries*  
 39801.5 *Transportation for adults*  
 39807.5 *Payment of transportation costs*  
 39837 *Transportation of students to places of summer employment*  
 48050 *Residents of adjoining states*  
 48052 *Tuition for foreign residents*  
 48904 *Liability of parent or guardian*  
 49010-49013 *Student fees*  
49014 *Public School Fair Debt Collection Act*  
 49065 *Charge for copies*  
 49066 *Grades, effect of physical education class apparel*  
 49091.14 *Prospectus of school curriculum*  
49557.5 *Unpaid school meal fees*

51810-51815 Community service classes  
 52612 Tuition for adult classes  
 52613 Nonimmigrant foreign nationals  
 56504 School records; students with disabilities  
 60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 8

1184 ~~Foreign~~Nonimmigrant students

COURT DECISIONS

~~Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513~~

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Driving School Assn of CA v. San Mateo Union HSD (1992) 11 Cal. App. 4th 1513

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, and Other Charges: Fiscal Management Advisory [17-01, July 28, 2017](#)

WEB SITES

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

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

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

Policy adopted: April 10, 2007

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*\*\*Revisions\*\* -- reviewed and okayed by Business Manager, Nona Griesert, and Accounting Technician III, Adrienne Garza*

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations AR 3260

### FEES AND CHARGES

Note: Pursuant to 5 CCR 350, districts may charge fees only when specifically authorized by law. The following list specifies fees currently authorized by law and should be revised to reflect the types of fees that have been approved by the Governing Board; see the accompanying Board policy. Other permissible fees may exist and be identified in the future. For further information about fees and charges, see the California Department of Education's (CDE) Fiscal Management Advisory 17-01, Pupil Fees, Deposits and Other Charges.

Pursuant to Education Code 49011, a district is prohibited from requiring a student to pay fees or charges in order to participate in an educational activity. A complaint alleging the unauthorized charging of student fees should be filed in accordance with the uniform complaint procedures; see the accompanying Board policy and BP/AR 1312.3 - Uniform Complaint Procedures. Districts with questions as to whether a particular fee may be charged should consult with legal counsel.

When approved by the Governing Board of Education, the Superintendent or designee may impose a fee for the following: (5 CCR 350)

1. Insurance for athletic team members, with an exemption providing for the district to pay the cost of the insurance for any team member who is financially unable to pay (Education Code 32221)  
*(cf. 5143 - Insurance)*
2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)

Note: In its Fiscal Management Advisory 17-01, CDE interprets Education Code 35330 as permitting the district, at its discretion, to charge fees for any field trip, provided that no student is prevented from participating in a field trip due to a lack of funds.

3. Expenses of students' participation in a field trip or excursion within the state or to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)  
*(cf. 6153 - School-Sponsored Trips)*
4. Student fingerprinting program, as long as the fee does not exceed the actual costs associated with the program (Education Code 32390)  
*(cf. 5142.1 - Identification and Reporting of Missing Children)*
5. School camp programs in outdoor science education, conservation education, or forestry operated pursuant to Education Code 8760-8774, provided that the fee is not mandatory and no student is denied the opportunity to participate for nonpayment of the fee (Education Code 35335)  
*(cf. 6142.5 - Environmental Education)*

Note: Education Code 17551 permits the district to sell to a student any property of the district which has been fabricated by the student, as provided in item #6 below. CDE Fiscal Management Advisory 17-01 clarifies that this cost applies to materials students will take home for their own possession and use, such as wood shop, art, or sewing projects.

6. Reimbursement to the district for the direct cost of materials ~~provided~~used by ~~the district~~students to ~~a student for the fabrication of nonperishable personal~~fabricate property ~~the student~~they will take home for ~~his/her~~their own possession and use, such as wood shop, art, or sewing projects kept by ~~the student~~students (Education Code 17551)
7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student ~~and exemptions are made for indigent and disabled students,~~ the district provides a waiver based on financial need, and an exemption is made for any student with a disability whose individualized education program includes transportation as a related service necessary to receive a free appropriate public education (Education Code 39807.5)  
*(cf. 3250 - Transportation Fees)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*
8. Transportation for students to and from their places of employment in connection with any summer employment program for youth (Education Code 39837)
9. Deposit for school band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
10. Sale or lease of personal computers or of Internet appliances that allow a person to connect to or access the district's educational network, provided that the items are sold or leased to parents/guardians at no more than cost and the district provides network access for families who cannot afford it (Education Code 17453.1)  
*(cf. 0440 - District Technology Plan)*  
*(cf. 6163.4 - Student Use of Technology)*
11. An adult education or secondary school community service class in civic, vocational, literacy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the class (Education Code 51810-51815)  
*(cf. 6142.4 - Service Learning/Community Service Classes)*
12. Eye safety devices worn in courses or activities involving the use of hazardous substances likely to cause injury to the eyes, when being sold to students and/or teachers or instructors to keep and at a price not to exceed the district's actual costs (Education Code 32033)  
*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 5142 - Safety)*
13. Actual cost of furnishing copies of any student's records, except that no charge shall be made for furnishing up to two transcripts or two verifications of a former student's records or for reproducing records of a student with a disability when the cost would effectively prevent the parent/guardian from exercising the right to receive the copies (Education Code 49065, 56504)  
*(cf. 5125 - Student Records)*

14. Actual cost of duplication for reproduction of the prospectus of school curriculum or for copies of public records (Education Code 49091.14; Government Code 6253)  
(*cf.* 1340 - Access to District Records)  
(*cf.* 5020 - Parent Rights and Responsibilities)
15. Food sold at school, subject to free and reduced-price meal program eligibility and other restrictions specified in law (Education Code 38084)  
(*cf.* 3550 - Food Service/Child Nutrition Program)  
(*cf.* 3551 - Food Service Operations/Cafeteria Funds)  
(*cf.* 3552 - Summer Meal Program)  
(*cf.* 3553 - Free and Reduced Price Meals)  
(*cf.* 3554 - Other Food Sales)
16. ~~As allowed in~~In accordance with law, replacement cost or reimbursement for lost or willfully damaged district books, supplies, or property, or for district property loaned to a student that ~~he/she~~the student fails to return (Education Code 19910-19911, 48904)  
(*cf.* 3515.4 - Recovery for Property Loss or Damage)
17. Tuition for district school attendance by an out-of-state or out-of-country resident (Education Code 48050, 48052, 52613; 8 USC 1184)  
(*cf.* 5111.1 - District Residency)  
(*cf.* 5111.2 - Nonresident Foreign Students)
18. Adult education books, materials, transportation, and classes, except that no fee may be charged for classes in elementary subjects, classes for which high school credit is granted when taken by a person who does not hold a high school diploma, or classes in English and citizenship (Education Code 39801.5, 52612, 60410)  
(*cf.* 6200 - Adult Education)
19. Preschool and child care and development services, in accordance with the fee schedule established by the Superintendent of Public Instruction, unless the family qualifies for subsidized services or the program is ~~for severely disabled children and the student is eligible to enroll in it~~exempted from fees by law (Education Code 8239, 8250, 8263)  
(*cf.* 5148 - Child Care and Development)  
(*cf.* 5148.3 - Preschool/Early Childhood Education)
20. Participation in a before-school or after-school program that is funded as an After School Education and Safety (ASES) program, 21st Century Community Learning Center (21st CCLC), or 21st Century High School After School Safety and Enrichment for Teens program, provided that fees are waived or reduced for families with students who are eligible for free or reduced-price meals and, in regard to ASES and 21st CCLC programs, fees are not charged if the district knows the student is a homeless or foster youth (Education Code 8422, 8482.6)  
(*cf.* 5148.2 - Before/After School Programs)  
(*cf.* 6173 - Education for Homeless Children)  
(*cf.* 6173.1 - Education for Foster Youth)

Note: In Fiscal Management Advisory 17-01, CDE lists Advanced Placement and International Baccalaureate examination fees as permissible. Some districts choose to reduce the cost of the fees for low-income students through the use of district funds or other funding sources; see BP 6141.4 - International Baccalaureate Program and BP 6141.5 - Advanced Placement.

21. Advanced Placement and International Baccalaureate Diploma examinations for college credits, as long as the examination is not a course requirement and the results have no impact on student grades or credits in the course  
*(cf. 6141.4 - International Baccalaureate Program)*  
*(cf. 6141.5 - Advanced Placement)*

Note: In its Fiscal Management Advisory 17-01, CDE advises that a district that requires its students to wear a cap and gown as a condition for 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.

### **Collection of Debt**

Note: Education Code 49014 (the Public School Fair Debt Collection Act), as added by AB 1974 (Ch. 577, Statutes of 2018), establishes requirements for districts to follow when seeking to recover a debt owed by students and/or parents/guardians, including a requirement to provide the parent/guardian with an itemized invoice that references the district's policies relating to debt collection and the rights established pursuant to Education Code 49014 and 49557.5 (unpaid meal fees). It is recommended that districts include references to this administrative regulation and the accompanying Board policy, as well as BP/AR 3551 - Food Service Operations/Cafeteria Fund. For additional rights established by Education Code 49014, including prohibitions against directly billing a student or former student or imposing any negative action on a student, see the accompanying Board policy.

Before pursuing payment of any debt that has accumulated from unpaid permissible fees, the Superintendent or designee shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student. The invoice shall reference district policies related to debt collection and the rights established pursuant to Education Code 49014 and 49557.5. For each payment received, the district shall provide a receipt to the parent/guardian. (Education Code 49014)

The Superintendent or designee shall not sell debt owed by a parent/guardian of a student or former student. (Education Code 49014)

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3515.4

### RECOVERY FOR PROPERTY LOSS OR DAMAGE

Note: The following optional policy may be modified to reflect district practice.

Pursuant to Education Code 48904, parents/guardians are liable to the district for the costs of damages caused by the willful misconduct of their minor children (1) that results in damage to school property, an employee's personal property, or injury or death of a district student, employee, or volunteer, and (2) for any reward paid by the district for information leading to the identification and apprehension of persons who willfully damage or destroy property. These amounts are adjusted annually for inflation by the Superintendent of Public Instruction. For 2019, the liability of a parent/guardian must not exceed \$20,300 for damages and \$20,300 for the reward. For situations not addressed by the Education Code, Civil Code 1714.1 provides for parent/guardian liability for the willful misconduct of their minor child which results in injury, death, or property damage. The limit under this statute is adjusted every two years for cost-of-living by the Judicial Council of California and, effective July 1, 2017, parent/guardian liability must not exceed \$42,100.

Pursuant to Penal Code 640.5 and 640.6, an individual who has been found to have defaced district property with graffiti may be fined or ordered by a court to perform community service. Depending on the amount of damage, Penal Code 594 also specifies that an individual, or the parent/guardian of a minor, who has been convicted of vandalism may be ordered to clean up and repair the property and to keep the property free from graffiti for one year.

The Governing Board desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. When district property is damaged due to the willful misconduct of a student or other person, the district shall seek reimbursement of damages ~~and rewards from any individual or~~, within the limitations specified in law, from the ~~custodial~~ parent/guardian of a minor child or from any minor who commits any act of theft or vandalism ~~mother responsible individual~~.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5131 - Conduct)

(cf. 5131.5 - Vandalism, ~~Theft~~ and Graffiti)

(cf. 5136 - Gangs)

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

Note: Pursuant to Education Code 49014, as added by AB 1974 (Ch. 577, Statutes of 2018), the district may collect debt owed to the school by a student who willfully cuts, defaces, or otherwise injures district property or fails to return property that was loaned by the district, unless the student is a current or former homeless student or foster youth.

The district may collect debt owed by a student or former student as a result of vandalism or to cover the replacement cost of district books, supplies, or property loaned to a student that the student willfully fails to return or that is willfully cut, defaced, or otherwise injured. However, this policy shall not apply to a student who is a current or former homeless or foster child or youth. (Education Code 48904, 49014)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

## Rewards

Note: The following section is optional.

The Board may ~~authorize offer and pay~~ a reward ~~in any amount it deems appropriate~~ for information leading to the ~~identification and determination of the identity of, and the apprehension of the guilty party~~. any person who willfully damages or destroys any district property. (Government Code 53069.5)

Note: The Governing Board may set any amount for the reward it deems to be appropriate. However, as detailed above, Education Code 48904 specifies a limit on the amount of parent/guardian liability for repayment of the reward.

Option 1 below allows the Superintendent or designee to offer a reward up to \$2,500 without Board approval. Option 2 provides that the Board will determine the amount of any reward offered. Both options may be revised, including the specified reward amount, to reflect district practice.

**OPTION 1:** The Board authorizes the Superintendent or designee to offer a reward in any amount deemed appropriate, not exceeding \$2,500. A reward in excess of \$2,500 shall be ~~paid only~~ authorized in advance by the Board.

**OPTION 2:** The Board shall determine the appropriate amount for the reward.

Note: The following paragraph applies to all districts.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the ~~crime act~~ has been established by a criminal conviction or other appropriate judicial ~~procedures~~ procedure. If more than one person provides information, the reward shall be divided among them as appropriate.

### *Legal Reference:*

#### EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent ~~or~~ guardian for willful misconduct

49014 Public School Fair Debt Collection Act

#### CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

#### GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage

53069.6 Actions to recover damages

54951 Local agency, definition

#### PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

### Management Resources:

#### WEB SITES

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

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations \_\_\_\_\_ AR 3515.4

### RECOVERY FOR PROPERTY LOSS OR DAMAGE

Note: The following administrative regulation is optional and should be modified to reflect district practice.

District employees shall report ~~all~~any damage to or loss of school property to the ~~principal~~Superintendent or designee immediately after such damage or loss is discovered. ~~In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.~~

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.5 - Vandalism and Graffiti)

Note: Certain acts of graffiti or vandalism may trigger the need for an investigation pursuant to the district's sexual harassment or nondiscrimination grievance procedures (e.g., graffiti that is sexual in nature or disparaging to a class of individuals protected by the district's nondiscrimination policies). See BP 5131.5 - Vandalism and Graffiti.

The Superintendent or designee shall ~~ensure that a complete investigation is conducted at the site where the vandalism occurred.~~

~~The principal or designee shall~~ conduct a complete investigation of any instance of damage to or loss of school property. ~~The investigation shall be carried out in cooperation with and shall consult~~ law enforcement officials when appropriate.

(cf. 3515.3 – District Police/Security Department)

When the ~~person~~individual causing the damage or loss has been identified and the costs of repair, replacement, or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover ~~these the district's~~ costs, ~~including consulting and shall consult with~~ the district's legal counsel ~~if necessary. Reasonable~~and/or insurance carrier, as appropriate.

Such steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If and, if the responsible person is a minor, ~~recovery may be sought~~ from the ~~minor's~~ custodial parent/guardian in accordance with ~~Education Code 48904.~~

law. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

## Payment of Reward

~~When authorized according to Board policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the district.~~

Note: 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, as added by AB 1974 (Ch. 577, Statutes of 2018), a district may offer any student or former student alternative, nonmonetary means to settle debt owed as a result of damage or loss of district property, regardless of the parents/guardians' ability to pay. However, the district is prohibited from collecting debt from a current or former homeless student or foster youth, and therefore cannot offer or require such a student to work or provide an alternative form of compensation.

If the responsible person is a minor student of the district and the student's parents/guardians are unable to pay for the damages or to return the property, the district shall offer a program of voluntary work for the student in lieu of the payment of monetary damages. The district may offer any other student or former student, with parent/guardian permission, the option to provide service, work, or other alternative, nonmonetary forms of compensation to settle the debt owed as a result of property loss or damage. Service or work exchanged for repayment of a debt shall comply with all provisions of the Labor Code related to youth employment. (Education Code 48904, 49014)

The Superintendent or designee may withhold the student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages or the voluntary work has been completed. Prior to withholding a student's grades, diploma, or transcripts, due process shall be afforded the student in accordance with law. (Education Code 48904)

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

In addition, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*



# Sierra County/Sierra-Plumas Joint USD

## Board Policy

All Personnel

BP 4030

### NONDISCRIMINATION IN EMPLOYMENT

Note: The following Board policy and accompanying administrative regulation are mandated pursuant to Government Code 11138 and 2 CCR 11023. The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits districts and district employees from harassing or discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, or gender expression. Pursuant to Government Code 12940, these protections apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.

The same or similar protections are available to employees and job applicants under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

For policy addressing sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

The Governing Board is determined to provide a safe, positive environment where ~~they~~all district employees are assured of full and equal employment access and opportunities, protection from harassment ~~or~~and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. ~~This~~For purposes of this policy ~~shall apply to all district, employees and, to the extent required by law, to include job applicants,~~ interns, volunteers, and ~~job applicants~~persons who contracted with the district to provide services, as applicable.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4111/4211/4311 - Recruitment and Selection)*

Note: 2 CCR 11027.1, as added by Register 2018, No. 20, provides a definition of "national origin" for the purpose of implementing state nondiscrimination laws.

No district ~~employees~~employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, ~~religious creed,~~ color, ~~ancestry,~~ national origin, ~~ancestry,~~ age, ~~religious creed,~~ marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, ~~sex, sexual orientation,~~ gender, gender identity, gender expression, ~~sex, or sexual orientation or his/her~~or association with a person or group with one or more of these actual or perceived characteristics.

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

Note: 2 CCR 11028, as amended by Register 2018, No. 20, prohibits inquiry into an employee's immigration status or discrimination on the basis of such status, unless the district provides clear and convincing evidence that it is

required to do so in order to comply with federal immigration law. Districts should consult legal counsel as necessary.

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law. (2 CCR 11028)

Note: The following items illustrate unlawful discriminatory practices as specified in Government Code 12940. Labor Code 1197.5 prohibits the payment of different wage rates to employees for similar work based on sex, race, or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment  
*(cf. 4151/4251/4351 - Employee Compensation)*  
*(cf. 4154/4254/4354 - Health and Welfare Benefits)*
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment

Note: Item #4 below addresses the specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex discrimination claim. As the specific prohibitions are too numerous to list in policy, it is recommended that district legal counsel be consulted when questions arise as to any specific claim.

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status  
*(cf. 4033 - Lactation Accommodation)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
  - b. Religious creed discrimination based on an employee's religious belief or observance, including ~~his/her~~ religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement-  
*(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)*

- c. Requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity  
(cf. 4119.41/4219.41/4319.41 - *Employees with Infectious Disease*)
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee, who has requested such accommodations in order to determine the effective reasonable accommodations for, if any, to be provided to the employee  
(cf. 4032 - *Reasonable Accommodation*)

Note: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940 provides that an employee who requests accommodation for a physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics, as provided below.

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

Note: Pursuant to Government Code 12964.5, as added by SB 1300 (Ch. 955, Statutes of 2018), the district is prohibited from requiring an employee, in exchange for a raise or bonus or as a condition of employment or continued employment, to sign a nondisparagement agreement or similar document that would deny the employee the right to disclose information about unlawful acts in the workplace or requiring an employee to release the right to file a claim or civil action against the district.

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases the employee's right to file a claim against the district or to disclose information about harassment or other unlawful employment practices. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Note: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of prohibited conduct of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940, as amended by SB 1300, provides that a district may be responsible for harassment of employees by nonemployees where the district knows or should have known of the conduct and failed to take immediate and corrective action, taking into consideration the extent of the district's control and other legal responsibility that the district may have with respect to the conduct of those nonemployees. Also see BP/AR 4119.11/4219.11/4319.11 - *Sexual Harassment*.

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with the nondiscrimination laws.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. -All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

Note: Government Code 12940 and 2 CCR 11023 require districts to take all reasonable steps to prevent prohibited discrimination and harassment, including, but not limited to, dissemination of the district's policy on the prevention of harassment, discrimination, and retaliation. In addition, Government Code 12950 requires districts to post, in prominent and accessible locations on district premises, posters developed by the California Department of Fair Employment and Housing (DFEH), which are available on DFEH's web site. For further information on prevention strategies, see the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. ~~He/she shall provide, including providing~~ training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

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

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

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act, especially:

12940-12952 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment, especially:

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended  
 2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended  
 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008  
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
 6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, ~~December 2014~~

Transgender Rights in the Workplace

Workplace Harassment Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

EEOC Compliance Manual

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

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

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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

Regulation approved: April 10, 2007

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revised: May 14, 2013

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

All Personnel

AR 4030

### NONDISCRIMINATION IN EMPLOYMENT

Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in an unpaid internship or other limited-duration program to gain unpaid work experience, volunteers, and independent contractors.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or ~~job applicant~~ person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4032 - Reasonable Accommodation)*

Note: Many nondiscrimination laws and regulations require identification of an employee who will be responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Laraine Sei, Personnel Technician  
 PO Box 955, 109 Beckwith Road  
 Loyalton CA 96118  
 530-993-1660 Ext. 151  
[lsei@spjUSD.org](mailto:lsei@spjUSD.org)

### Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.

In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

1. Display in a prominent and accessible location at every work site where the district has employees and post electronically on computers in a conspicuous location, the California Department of Fair Employment and Housing (DFEH) posters in regard to workplace discrimination and harassment and the rights of transgender employees (Government Code 12950)  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a.- Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b.- Posting them in all district schools and offices, including staff lounges and other prominent locations
  - c.- Posting them on the district's web site and providing easy access to them through district-supported social media, when available  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*  
*(cf. 4111/4211/4311 - Recruitment and Selection)*
3. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending the policy via email with an acknowledgment return form
  - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing ~~district~~the policy with employees upon hire and/or during a new hire orientation session

e. Any other way that ensures employees receive and understand the policy  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Provide to employees ~~handouts that a~~ handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to ~~anyone~~ employees who ~~feels that he/she has~~ believe they have been the victim of any discriminatory or harassing behavior

~~4~~ Note: Item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment. Pursuant to Government Code 12950.1, if the district has 50 or more employees, it must provide at least two hours of staff development regarding sexual harassment to all supervisory employees within six months of their assumption of a supervisory position and once every two years thereafter. As amended by SB 1343 (Ch. 956, Statutes of 2018), Government Code 12950.1 requires any district that has five or more employees to provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020 and once every two years thereafter.

5. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

~~Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)~~

Note: Pursuant to Government Code 12950.2, as added by SB 1300 (Ch. 955, Statutes of 2018), districts are authorized, but not required, to provide bystander intervention training as provided below.

The district may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and motivates them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce



## Complaint Procedure

Note: 2 CCR 11023 mandates that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that an employer may mitigate liability for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.

While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation.

The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** -A complainant may inform ~~his/her~~ direct supervisor, another supervisor, the coordinator, ~~or~~ the Superintendent or, if available, a complaint hotline or an ombudsman. The employee's direct supervisor may be bypassed in filing a complaint where the supervisor is the subject of the complaint.

The complainant may file a written complaint in accordance with this procedure, ~~or if he/she is an employee, or~~ may first attempt to resolve the situation informally with his/her the employee's supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The ~~superintendent~~ coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The ~~superintendent~~ coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response

to the allegation. The superintendent coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. ~~He/she~~The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

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

If the superintendent coordinator determines that a detailed fact-finding investigation is necessary, ~~he/she shall begin~~ the investigation shall begin immediately. As part of this investigation, the superintendent coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her/the investigation or to protect employee safety, the ~~superintendent and/or~~ coordinator may discuss the complaint with the superintendent Superintendent or designee, district legal counsel, or the district's ~~board president~~risk manager.

The coordinator, ~~under the direction of the superintendent~~, shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are ~~averted~~prevented. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** ~~No more than 20~~ business days after receiving the complaint, the superintendent coordinator shall conclude the investigation and prepare a written report of his/her/the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report ~~also shall~~ also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

~~The report~~A summary of the findings shall be presented to the complainant, and the person accused, ~~and the Superintendent and coordinator~~.

4. **Appeal to the Governing Board of Education:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the superintendent's coordinator's findings. ~~The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against~~

a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

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

*(cf. 9321 - Closed Session Purposes and Agendas)*

## Other Remedies

Note: Items #1-3 below state the time limits within which employees must file their complaints. EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either ~~the California Department of Fair Employment and Housing (DFEH)~~ or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: Pursuant to Government Code 12960, an employee has one year to file a complaint with DFEH, although that period may be extended under certain circumstances, such as when a person obtains knowledge of the unlawful practice after the expiration of the one-year period.

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

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

Regulation approved: April 10, 2007

revised: February 9, 2016

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revised: May 14, 2019

*\*\*Revisions\*\* --reviewed and okayed by Personnel Technician, Laraine Sei, and Accounting Technician III, Adrienne Garza*

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

<u>Certificated Personnel</u>	<u>AR 4161.1</u>
<u>Management, Supervisory And Confidential Personnel</u>	<u>AR 4361.1</u>

### PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days or more within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of their employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. -However, any part-time ~~employeeemployees~~ who ~~isare~~ entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if ~~he/she isthey are~~ eligible. (Education Code 44978; Labor Code 245-249)

*(cf. 4161/4261/4361 - Leaves)*

*(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)*

### Use of Sick Leave

Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of ~~or~~and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease ~~during the employee's performance of his/her duties~~; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964) *(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978) *(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*
3. Personal necessity (Education Code 44981) *(cf. 4161.2/4261.2/4361.2 - Personal Leaves)*
4. Medical and dental appointments
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984) *(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)*

Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items #7-8 below.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item #7 below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or ~~his/her~~employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or ~~his/her~~ the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave ~~he/shethat~~ would ~~accrue~~ be accrued during six months at ~~his/her~~ the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of ~~his/her~~ termination ~~and shall be deducted from an employee's final paycheck.~~

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated – SPTA contract states no later than October 20<sup>th</sup>.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Note: Pursuant to Education Code 44979-44980, certificated employees are entitled to have their accumulated sick leave transferred with them in the circumstances specified in the following optional paragraph.

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, ~~he/shethe~~ employee may request that the district transfer ~~his/her~~ any accumulated sick leave to the new employer. (Education Code 44979, 44980)

### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time ~~he/she~~ works/worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of ~~his/her~~ the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. -When the employee receives ~~his/her~~ the disability rating decision, ~~he/shethe~~ employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change

the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

Note: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

### **Notification of Absence**

An employee shall notify the district of ~~his/her~~the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which ~~he/she~~the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

*(cf. 4121 - Temporary/Substitute Personnel)*

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent ~~from his/her duties~~ for an additional period of up to five school months, the ~~employee~~district shall ~~receive his/her~~deduct from the employee's regular salary ~~minus~~for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

### **Absence Beyond Five-Month Period/Reemployment List**

If a certificated employee is not medically able to ~~resume his/her duties~~return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, ~~he/she~~the employee shall be returned to employment in a position for which ~~he/she~~the employee is credentialed and qualified. (Education Code 44978.1)

*(cf. 4116 - Probationary/Permanent Status)*

## Parental Leave

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

Note: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. As amended by AB 2012 (Ch. 994, Statutes of 2018), Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

## Verification Requirements

Note: Education Code 44978 mandates the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be



cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to ~~his/her~~the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the ~~medical condition of the employee. The report shall include a statement as to the~~ employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase employees' or their family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and ~~shall~~ not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from ~~his/her~~a physician stating that ~~he/she~~the employee is able to return to duty and stipulating any necessary restrictions or limitations.

*(cf. 4032 - Reasonable Accommodation)*

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

### **Healthy Workplaces, Healthy Families Act Requirements**

Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult its legal counsel.

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The ~~amount~~number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against ~~him/her~~the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available  
(*cf. 4112.9/4212.9/4312.9 - Employee Notifications*)
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

*Legal Reference:*

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident, or quarantine  
 44965 Granting of leaves of absence for pregnancy and childbirth  
 44976 Transfer of leave rights when school is transferred to another district  
 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted  
 44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted  
 44978 Provisions for sick leave of certificated employees  
 44978.1 Inability to return to duty; placement in another position or on reemployment list  
 44978.2 Leave for military service connected disability  
 44979 Transfer of accumulated sick leave to another district  
 44980 Transfer of accumulated sick leave to a county office of education  
 44981 Leave of absence for personal necessity  
 44983 Exception to sick leave when district adopts specific rule  
 44984 Industrial accident or illness  
 44986 Leave of absence for disability allowance applicant

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act  
 12945.6 Parental leave

LABOR CODE

220 Sections inapplicable to public employees  
 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off  
 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off  
 233 Illness of child, parent, spouse or domestic partner  
 234 Absence control policy  
 245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 29

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

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800702 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

*Veguez v. Governing Board of Long Beach Unified School District*, (2005) 127 Cal.App.4th 406

|  
SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Regulation approved: April 10, 2007  
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*\*\*Revisions\*\* --reviewed and okayed by Personnel Technician, Laraine Sei, and Accounting Technician III, Adrienne Garza*

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

**Classified Personnel**

AR 4261.1

### PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of their employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. -However, ~~any part-time employee whose work hours~~ employees who are so few as to entitle him/her ~~entitled~~ entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if ~~he/she is they~~ are eligible. (Education Code 45191; Labor Code 245-249)

*(cf. 4161/4261/4361 - Leaves)*

*(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)*

### Use of Sick Leave

Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons

- having a contagious disease ~~during the employee's performance of his/her duties~~ (Education Code 45199)
2. Pregnancy, childbirth, and recovery (Education Code 45193)  
*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*
  3. Personal necessity as specified in Education Code 45207  
*(cf. 4161.2/4261.2/4361.2 - Personal Leaves)*
  4. Medical and dental appointments
  5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)  
*(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)*

Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items #7-8 below.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item #7 below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or ~~his/her~~ the employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or ~~his/her~~ the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave ~~he/she~~that would ~~accrue~~be accrued during six months at ~~his/her~~the employee's then current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave ~~until he/she, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee~~ has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of ~~his/her~~ termination ~~and shall be deducted from an employee's final paycheck.~~

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board of Education. (Education Code 45202)

Note: Pursuant to Education Code 45202, classified employees who are terminated after at least one year of employment for any reason unrelated to discipline are entitled to have their accumulated sick leave transferred with them in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if ~~he/she~~the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, ~~he/she shall be entitled to~~the employee may request that the district transfer ~~his/her~~any accumulated sick leave to ~~his/her~~the new employer. (Education Code 45202)

### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time ~~he/she~~works~~worked~~. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of ~~his/her~~the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. ~~When the employee receives his/her~~the disability rating decision, ~~he/she~~the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day

maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

Note: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

### **Notification of Absence**

An employee shall notify the Superintendent or the designated manager or supervisor of ~~his/her~~the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which ~~he/she~~the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

When a classified employee has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month and continues to be absent on account of illness or injury for a period of absence to which he/she is entitled, receive his/her five months or less, the district shall deduct from the employee's regular salary minus for that period an amount that does not exceed the actual amount paid cost of a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

### **Parental Leave**

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

Note: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. As amended by AB 2012 (Ch. 994, Statutes of 2018), Education Code 45196.1 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

## Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

*(cf. 4216 - Probationary/Permanent Status)*

If the employee is still unable to resume his/her duties/return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able to resume, the duties of his/her position, he/she/employee shall be offered reemployment in the first vacancy in the classification of his/her/the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)



## Verification Requirements

Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to ~~his/her~~the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from ~~his/her~~a physician stating that ~~he/she~~the employee is able to return to work and stipulating any ~~recommended~~necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

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

## Short-Term and Substitute Employees

Except for a retired annuitant who is not reinstated to the retirement system, ~~any~~ short-term or substitute ~~employee~~employees who ~~works~~work for 30 or more days within a year of ~~his/her~~their employment shall be entitled to ~~a minimum of~~ one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of ~~his/her~~their employment, after which ~~he/she~~they may use the sick days as they are accrued. (Labor Code 246)

Note: The following paragraph reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. ~~His/her~~The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or ~~his/her~~the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

## Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult its legal counsel.

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

- a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The ~~amount~~number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against ~~him/her~~the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
  3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
  4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

*Legal Reference:*

EDUCATION CODE

45103 *Substitute employees*

45190 *Leaves of absence and vacations*

45191 *Leaves of absence for illness and injury*

45191.5 *Leave for military service connected disability*

45193 *Leave of absence for pregnancy (re use of sick leave under certain circumstances)*

45195 *Additional leave for nonindustrial accident or illness; reemployment preference*

45196 *Salary; deductions during sick leave*

45196.1 *Differential pay during parental leave up to 12 weeks after sick leave is exhausted*

45202 *Transfer of accumulated sick leave and other benefits*

GOVERNMENT CODE

12945.1-12945.2 *California Family Rights Act*

12945.6 *Parental leave*

LABOR CODE

230 *Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off*

230.1 *Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off*

233 *Illness of child, parent, spouse or domestic partner*

245-249 *Healthy Workplaces, Healthy Families Act of 2014*

UNITED STATES CODE, TITLE 29

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

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800702 *Family and Medical Leave Act of 1993*

1635.1-1635.12 *Genetic Information Nondiscrimination Act of 2008*

COURT DECISIONS

*California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957*

*California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510*

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Regulation approved: June 17, 2015  
 revised: February 9, 2016  
 revised: June 13, 2017  
 revised: June 12, 2018  
 revised: May 14, 2019

# Sierra County/Sierra-Plumas Joint USD Board Policy

Students \_\_\_\_\_ BP 5117

## INTERDISTRICT ATTENDANCE

Note: The Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46610, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Alternatively, pursuant to Education Code 48300-48317, the Governing Board may declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult legal counsel.

In addition, pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency.

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

*(cf. 5111.1 - District Residency)*  
*(cf. 5116.1 - Intradistrict Open Enrollment)*

### Interdistrict Attendance Agreements and Permits

Note: The following section is for use by districts that have entered into an agreement with one or more other districts to accept student transfers through interdistrict attendance permits pursuant to Education Code 46600-46610. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

Note: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement their agreed-upon standards for revocation of students' interdistrict attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Note: Pursuant to Education Code 46600, it is the responsibility of the superintendent or designee of the district of residence, subject to board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the board's designee in the district of proposed enrollment.  
See the accompanying administrative regulation for procedures to follow when the permit is denied.

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

### **Transportation**

Note: The following optional section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46610. Pursuant to Education Code 48311, a school district of choice is authorized, but not required, to provide transportation assistance to the extent that the district otherwise provides transportation assistance to students.

The district shall not provide transportation beyond any school attendance area.– Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

#### *Legal Reference:*

##### EDUCATION CODE

41020 Annual district audits  
 46600-46610 Interdistrict attendance agreements  
 48204 Residency requirements for school attendance  
 48300-48317 Student attendance alternatives, school district of choice program  
 48900 Grounds for suspension or expulsion; definition of bullying  
 48915 Expulsion; particular circumstances  
 48915.1 Expelled individuals–; enrollment in another district  
 48918 Rules governing expulsion procedures  
 48980 Notice at beginning of term  
 48985 Notices to parents in language other than English  
 52317 Regional occupational center/program, enrollment of students, interdistrict attendance

##### CALIFORNIA CONSTITUTION

Article I, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

##### ATTORNEY GENERAL OPINIONS

87 *Ops. Cal. Atty. Gen.* 132 (2004)

84 *Ops. Cal. Atty. Gen.* 198 (2001)

##### COURT DECISIONS

*Walnut Valley Unified School District v. the Superior Court of Los Angeles County*, (2011) 192 Cal.App.4th 234

*Crawford v. Huntington Beach Union High School District*, (2002) 98 Cal.App.4th 1275

#### *Management Resources:*

##### WEB SITES

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

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

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

Policy adopted: April 10, 2007

revised: March 8, 2011

revised: October 9, 2012

revised: January 12, 2016

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Students

AR 5117

### INTERDISTRICT ATTENDANCE

#### Interdistrict Attendance Agreements and Permits

Note: The following option is for use by districts that have entered into an agreement with one or more other school districts to accept transfers through the "interdistrict attendance permit" or "reciprocal agreement" process pursuant to Education Code 46600-46610. (See Option 1 in the accompanying Board policy.) In 87 Ops.Cal.Atty.Gen. 132 (2004), the Attorney General opined that districts could not charge students a fee for processing applications for interdistrict attendance.

In accordance with an agreement between the Governing Board of Education and the board of another district, a permit authorizing a student's attendance outside his/her student of either district of residence to enroll in the other district may be issued upon approval of both districts.

Note: Pursuant to Education Code 46600.2, as added by AB 2826 (Ch. 550, Statutes of 2018), districts are required to post on their web sites, in a manner accessible to the public without a password, the procedures and timelines regarding a request for an interdistrict transfer permit.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer

is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Note: Education Code 46600 requires districts to give priority for interdistrict attendance permits to a student who is a victim of an act of bullying, as provided below. For this purpose, Education Code 48900(r) defines bullying to include, but not be limited to, bullying committed by means of an electronic act directed specifically toward the student; see AR 5144.1 - Suspension and Expulsion/Due Process.

Priority for interdistrict attendance shall be given to a student who has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence ~~and the district of proposed attendance.~~ (Education Code 46600)

*(cf. 5131.2 - Bullying)*

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

Note: **Optional** items #1-11 below should be revised and/or deleted to reflect district practice.

1. To meet the child care needs of the student. ~~Such a student may be allowed to continue to attend district schools,~~ only as long as he/she continues to use the student's child care provider remains within district boundaries.  
*(cf. 5148 - Child Care and Development)*
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.  
*(cf. 6159 - Individualized Education Program)*
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.
4. To allow the student to complete a school year when ~~his/her~~ the student's parents/guardians have moved out of the district during that year.
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school.
6. To allow a high school senior to attend the same school ~~he/she~~ attended as a junior, even if ~~his/her~~ the student's family moved out of the district during the junior year.
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district.
8. When the student will be living out of the district for one year or less.

9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence-  
(*cf.* 5113.1 - *Chronic Absence and Truancy*)  
(*cf.* 5113.12 - *District School Attendance Review Board*)
10. When there is valid interest in a particular educational program not offered in the district of residence-
11. To provide a change in school environment for reasons of personal and social adjustment

Note: In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that a lack of school facilities is a justifiable reason for denial of the interdistrict attendance permit request. However, according to the Attorney General, once the student is admitted, the district may not later deny the student continued attendance at a district school because of overcrowding. Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district may shall not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

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

Note: Education Code 46600.2, as added by AB 2826, establishes the following timelines for notifying a student's parents/guardians of the district's final decision regarding the interdistrict transfer request.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the ~~parents/guardians~~parent/guardian of a student ~~who~~the final decision within 30 calendar days of receiving the request. If the transfer request is ~~denied~~for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

Note: Education Code 46600.2, as added by AB 2826, requires a district that denies a request for an interdistrict transfer to give written notice to the parent/guardian of the right to appeal to the County Board of Education.

Pursuant to Education Code 46601, parents/guardians may submit their appeal to the County Board within 30 calendar days of the district's final denial of the permit. The County Board then has 30 calendar days, unless extended by an additional five school days for good cause, to make its determination as to whether the student should be allowed to attend the district of proposed enrollment and the applicable period of attendance. However, Education Code 46601 allows a class 1 county (i.e., a county with a 1994-95 average daily attendance (ADA) of 500,000 or more for all districts in the county), until July 1, 2023, 60 calendar days to make its determination.

Pursuant to Education Code 46602, if the County Board determines that the student should be permitted to attend the district of proposed enrollment, the district shall admit the student without delay.

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

(*cf.* 5145.6 - *Parental Notifications*)



All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or ~~an appeal~~ by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months-, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or ~~decisions~~rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

*(cf. 5119 - Students Expelled from Other Districts)*

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

Once a student is admitted to a school on the basis of an interdistrict attendance permit, ~~he/she~~the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school ~~in which he/she is enrolled~~of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for studentsany student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

## Transfers Out of the District

Note: The following optional section is for use by all districts.

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

Note: Even if a district has not designated itself as a school district of choice, it has the authority pursuant to Education Code 48307 to limit the number of students transferring out of the district into other districts that have designated themselves as school districts of choice. A district with an ADA of more than 50,000 may annually limit the number of such transfers to one percent of its current year estimated ADA. A district with an ADA of 50,000 or less may limit the number of such transfers to three percent of its current estimated ADA and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period. In Walnut Valley Unified School District v. Superior Court of Los Angeles County, the appellate court held that the 10 percent cap on outbound transfers "for the duration of the program" should be based on the district's ADA over the entire life of the district of choice program (i.e., from the program's inception in 1994 until the present day). The district may revise item #1 to reflect the applicable percentage in Education Code 48307 based on its ADA.

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.

2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.  
(*cf. 3100 - Budget*)

Note: Item #3 is optional and should be revised to reflect district practice. Education Code 48307 authorizes the district to prohibit a transfer out of the district under the school district of choice program if the Board determines that the transfer would negatively impact a court-ordered desegregation plan, a voluntary desegregation plan, or the racial and ethnic balance of the district. Education Code 48307 provides that denial of transfers on the basis of a voluntary desegregation plan or the racial and ethnic balance of the district must be consistent with the constitutional provisions added by Proposition 209 in 1996 (California Constitution, Article 1, Section 31). It is recommended that districts consult legal counsel before adopting policy to allow denial of transfers on either of these bases.

3. The Board determines that the transfer would negatively impact any of the following:  
(Education Code 48307)
- a. A court-ordered desegregation plan
  - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
  - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Regulation approved: April 10, 2007  
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revised: November 14, 2017  
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# Sierra County/Sierra-Plumas Joint USD

## Exhibit

Students

E 5145.6

### PARENTAL NOTIFICATIONS

**Cautionary Notice:** Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2018 (SB 840, Ch. 29, Statutes of 2018) extends the suspension of these requirements through the 2018-19 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>Beginning of each school year</b>	<b>Education Code 222.5</b>	<b>BP 5146</b>	<b>Rights and options for pregnant and parenting students</b>
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students

Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Copy of sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance

Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
<b>Beginning of each school year and at least one more time during school year using specified methods</b>	<b>Education Code 49428</b>	<b>None</b>	<b>How to access mental health services at school and/or in community</b>
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing

Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments

## II. At Specific Times During the Student's Academic Career

Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	<del>AR</del> <b>BP</b> 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out

<b>When child is enrolled or reenrolled in a licensed child care center or preschool</b>	<b>Health and Safety Code 1596.7996</b>	<b>AR 5148</b>	<b>Information on risks and effects of lead exposure, blood lead testing</b>
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When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent

### III. When Special Circumstances Occur

In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants

When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention



When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
<del>When a school is identified on the state's Open Enrollment List</del>	<del>Education Code 48354; 5 CCR 4702</del>	<del>AR 5118</del>	<del>Student's option to transfer to another school</del>
<del>Within 60 days of receiving application for transfer out of open enrollment school</del>	<del>Education Code 48357; 5 CCR 4702</del>	<del>AR 5118</del>	<del>Whether student's transfer application is accepted or rejected; reasons for rejection</del>
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection

When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Within 30 days of foster youth, homeless youth, former juvenile court school student, <b>or child of military family, or migrant student</b> being transferred <b>between high schools after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12</b>	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 <b>AR 6175</b>	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and	Education Code 51938	AR 5022	Notice that the survey will be administered

behaviors to students in 7-12

Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees

When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures

#### **IV. Special Education Notices**

Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting

Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards

## V. Classroom Notices

In each classroom in each school	Education Code <b>8235.5</b> , 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities subject to Williams uniform complaint procedures
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SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Exhibit version: June 10, 2012

revised: June 19, 2013

revised: June 18, 2014

revised: June 17, 2015

revised: June 14, 2016

revised: May 9, 2017

revised: April 10, 2018

revised: May 14, 2019

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Graduation Ceremonies And Activities

AR 5127

#### Students

Honors and Awards

General Rules

1. The student with the highest grade point average in the graduating class, computed in accordance with designated procedures, shall be named the class valedictorian. In the event that two or more students exactly tie in grade point averages, co-valedictorians shall be named.
2. The student with the second highest grade point average in the graduating class, computed in accordance with designated procedures, shall be named the salutatorian of the class. In the event that two or more students exactly tie for second highest grade point average, co-salutatorians shall be named.

General Eligibility (Only those students meeting the general eligibility requirements below shall be considered):

1. The individual must be a full-time senior student at a high school in the district at the time of graduation.
2. The individual must have completed at least two consecutive semesters of full-time attendance in this district, one of which must be the first semester of the senior year.
3. The individual must be following a course of study that meets the University of California Subject Area Requirements.

Criteria

1. Inasmuch as the naming of a valedictorian and/or a salutatorian implies superior academic achievement, no student shall be considered for these honors who shall not have achieved a grade point average of at least 3.75 (A: 4.00) as outlined below. If a graduating class has no students above a 3.75 GPA. All other qualifications still apply and no student may be considered who has lower than a 3.0 GPA.
2. Should only one student in a given graduating class meet the requirement of #1 above that student shall be designated valedictorian and no salutatorian shall be named. In the event that two or more students tie in the total point calculation for academic recognition, then those students shall be designated as co-valedictorians and an additional salutatorian may be named.

3. In the event that no student in a given graduating class meets the requirement of #1 above neither a valedictorian, nor a salutatorian shall be named.
4. Although students designated valedictorian and/or salutatorian are presumed under normal circumstances to act as speakers at commencement exercises, nothing in this policy is intended to prohibit additional student speakers at graduation. Such additional speakers, should they be used, shall be selected by the graduating class. The site administrator will have the final determination on the total number of academic recognition speakers and student speakers that can be accommodated at the commencement exercise given the anticipated length of time for the program.
5. In the event that no students qualify for valedictorian or salutatorian in a given class, the members of the class shall select no more than two students to speak at commencement. Students so selected shall be clearly identified as student speakers and academic excellence need not be a selection factor.

All speakers, whether valedictorian, salutatorian, or any other student speakers, shall provide a copy of the speech they will deliver at the commencement exercise to the site administrator at least (4) four days before the event. The site administrator shall be responsible for reviewing the speech to ensure that school district policies will not be violated.

#### Computation of Grade Point Averages

1. ~~Only semester~~Semester grades earned in grades 9, 10, 11 and the first semester of grade 12 shall be considered.
2. Plus or minus marks shall not be considered. Pass grades for a pass/fail course shall not be considered in the computation of the grade point average.
3. All classes for which ~~five~~seven semester credits are granted and grades recorded shall be considered equally except for Physical Education and a Teaching Assistant (TA) course, and any additional exception set forth in #5 below. The method of calculating grade point average recognized by the University of California system shall be used if there are any discrepancies, questions or disputes.
4. Except as noted in #5 below, qualifying grades shall have the following numerical values:
 

A=	4.00
B=	3.00
C=	2.00
D=	1.00
F=	0.00



5. In the case of those classes officially designated and recognized as Honors, or Advanced Placement classes, qualifying grades shall have the following numerical values:

A=	5.00
B=	4.00
C=	3.00
D=	1.00
F=	0.00

Honors courses shall be those courses as defined by the University of California system.

6. For the determination of the valedictorian and/or a salutatorian, the students will be ranked in sequential order to identify the top two students of the graduating class. The method of determining class rank shall be based on the GPA of UC/CSU formula A-G required courses for ~~calculating grade~~ grades 9-12 and calculate all Honors/AP point average credits.

#### Notification

1. Grade point averages and class rankings of seniors shall be computed and the results announced to concerned students no later than three weeks following the end of the first semester.
2. All senior grade point averages and class rankings shall be computed by at least two certificated personnel, one of whom shall be the site administrator.
3. Should a student named valedictorian or salutatorian as a result of these procedures subsequently not be enrolled in that high school for the balance of the school year, the student with the next highest qualifying class ranking shall immediately be notified of his or her advancement. The designated salutatorian shall become valedictorian if qualified.
4. Except as noted in Section VI.C. above, once the grade point averages and class rankings have been computed and checked, the students notified, there shall be no changes made unless a documented error in the calculations verified by the site administrator.
5. Copies of this policy shall be given to all enrolled high school students and the parent/guardian no later than the beginning of the ninth grade, and upon enrollment to any transfer student.
6. This revised policy shall apply to the graduating class of 2004~~2019~~ and thereafter.

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Regulation approved: April 10, 2007  
 revised: August 12, 2008  
 revised: March 9, 2010  
 revised: August 9, 2011  
 revised: May 14, 2019

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### Visitors/Outsiders

BP 1250

### Community Relations

The Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students.

Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee.

When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

(cf. 6116 - Classroom Interruptions)

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

## Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. The principal shall indicate on the written permission the date(s) and times for which permission has been granted. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission. (Penal Code 626.81)

### Legal Reference:

#### EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)
- 49091.10 Parental right to inspect instructional materials and observe school activities
- 51101 Parent Rights Act of 2002
- 51512 Prohibited use of electronic listening or recording device

#### EVIDENCE CODE

- 1070 Refusal to disclose news source

#### LABOR CODE

- 230.8 Discharge or discrimination for taking time off to participate in child's educational activities

#### PENAL CODE

- 290 Sex offenders
- 626-626.10 Schools
- 626.81 Misdemeanor for registered sex offender to come onto school grounds
- 627-627.10 Access to school premises, especially:
  - 627.1 Definitions
  - 627.2 Necessity of registration by outsider
  - 627.7 Misdemeanors; punishment

#### COURT DECISIONS

- Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

#### ATTORNEY GENERAL OPINIONS

- 95 Ops.Cal.Atty.Gen. 509 (1996)

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Policy SIERRA COUNTY OFFICE OF EDUCATION  
 adopted: April 10, 2007 Loyalton, California  
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 revised: June 12, 2012  
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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Visitors/Outsiders

AR 1250

### Community Relations

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the administrator or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

### Registration Procedure

In order to register, a visitor shall, upon request, furnish the administrator or designee with the following information: (Penal Code 627.3)

1. His/her name, address, and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

### Administrator's Registration Authority

The administrator or designee may refuse to register any visitor if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The administrator or designee or school security officer may revoke any visitor's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

When a visitor fails to register, or when the administrator or designee denies or revokes an visitor's registration privileges, the administrator or designee may request that the individual promptly leave school grounds. When a visitor is directed to leave, the administrator or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

#### Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or administrator by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or administrator shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or administrator shall be held within seven days after receipt of the request. (Penal Code 627.5)  
(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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