

AGENDA FOR THE REGULAR MEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
November 10, 2020
6:00pm Regular Session

In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Sierra County Board of Education will hold meetings via Zoom Videoconferencing.

Zoom link: <https://us02web.zoom.us/j/85435015699>

Phone dial-in: 669-900-9128

Webinar ID: 854 3501 5699

*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 Office of Education, Room 3, 109 Beckwith Road, 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. Update on holding future Board Meetings in-person
- b. Adult Education: Academic and Career Guidance Advisor, job description and salary schedule**
- c. Professional Services Agreement with Barbara McKurtis for 2020-2021, Hearing Services
- d. Professional Services Agreement with Donita King for 2020-2021, Counseling Services
- e. Professional Services Agreement with Kelli Grock for 2020-2021, Counseling Services
- f. .26 FTE Intervention/Support, Downieville
- g. Changing Adult Education Coordinator to Program Specialist on the salary schedule

2. Business Report

- a. Account Object Summary-Balance from 07/01/2020 to 10/31/2020**

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. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held October 13, 2020**
2. Approval of Board Report-Checks Dated 10/01/2020 through 10/31/2020**

G. ACTION ITEMS

1. Old Business
 - a. Adoption of Resolution No. 20-013C, Sufficiency of Textbooks or Instructional Materials**
ROLL CALL VOTE
2. New Business
 - a. Per Board Policy 6200, approval of Adult Education courses to be added**

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- b. 5141.22—Infectious Disease
 1. Board Policy, *revisions***
 2. Administrative Regulation, *NEW***
- c. 5145.3—Nondiscrimination/Harassment
 1. Administrative Regulation, *revisions***
- d. 5145.6—Parental Notifications
 1. Board Policy, *revisions***
 2. Exhibit, *revisions***
- e. 5145.7—Sexual Harassment
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- f. 5145.71—Title IX Sexual Harassment Complaint Procedures
 1. Administrative Regulation, *NEW***
 2. Exhibit, *NEW***

H. ADVANCED PLANNING

1. Next Regular Board Meetings will be held on December 14, 2020 beginning with Closed Session as needed at 5:00pm and the Regular Board Meetings at 6:00pm.
*****Location to be determined*****
2. Suggested Agenda Items

I. ADJOURN



James Berardi, Superintendent
Secretary to the County Board of Education

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

Academic and Career Guidance Advisor/~~Career Technician~~**DEFINITION:**

Under the direction and supervision of the County Superintendent or designee, the Academic ~~Advisor~~and Career ~~Technician~~advisor 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~~and Career ~~Technician~~advisor 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~~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

222.1 SIERRA COUNTY OFFICE OF EDUCATION : Adult Education

- Calculating CSU/UC GPA's and Web grants-Uploading GPA's
- Meeting with individual seniorsstudents (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 issuesAssist with-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 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, and 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~~Make appropriate referrals to our location Workforce Alliance Board to assist 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~~

222.1 SIERRA COUNTY OFFICE OF EDUCATION : Adult Education

- ~~• 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

Revision: November 10, 2020

SIERRA COUNTY OFFICE OF EDUCATION
 Adult Education - Classified Salary Schedule

POSITION	A	B	C	D	E	F	G	H	I	J	K	L
					YR 5	YR 8	YR 11	YR 14	YR 17	YR 20	YR 25	YR 30
Maintenance Custodian	\$ 15.85	\$ 16.77	\$ 17.66	\$ 18.57	\$ 19.48	\$ 20.46	\$ 21.50	\$ 22.55	\$ 23.66	\$ 24.87	\$ 26.11	\$ 27.28
Academic & Career Advisor	\$ 22.16	\$ 23.16	\$ 24.20	\$ 25.29	\$ 26.43	\$ 27.62	\$ 28.86	\$ 30.16	\$ 31.51	\$ 32.93	\$ 34.41	\$ 35.96

October 8, 2019
 Proposed 11/10/2020

Balances through October						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	362,817.00	362,817.00	246,221.60	67,158.28	49,437.12
1115	Certificated Extra Duty	1,500.00	1,500.00		60.00	1,440.00
1120	Certificated Substitutes	11,000.00	11,000.00		480.00	10,520.00
1200	Certificated Pupil Support Ser	30,561.00	30,561.00	20,373.84	10,186.92	.24
1300	Certificated Supervisor Admini	193,338.00	193,338.00	124,491.76	62,245.88	6,600.36
1310	Teacher in Charge	10,000.00	10,000.00	8,000.00	2,000.00	.00
	Total for Object 1000	609,216.00	609,216.00	399,087.20	142,131.08	67,997.72
2100	Instructional Aides' Salaries	182,919.00	182,919.00	95,999.25	17,680.82	69,238.93
2115	Classified Extra Duty	1,000.00	1,000.00		342.73	657.27
2120	Classified Substitutes	5,071.00	5,071.00		1,023.43	4,047.57
2200	Classified Support Salaries	38,348.00	38,348.00	24,414.83	5,631.60	8,301.57
2215	Classified Support Extra Duty	1,000.00	1,000.00			1,000.00
2220	Classified Substitute Salaries	1,000.00	1,000.00			1,000.00
2300	Classified Supervisors' Admini	119,910.00	119,910.00	73,099.00	36,595.00	10,216.00
2400	Clerical Technical Office Staf	131,453.00	131,453.00	86,367.39	41,085.36	4,000.25
2420	Clerical Substiture	250.00	250.00			250.00
2900	Other Classified Salaries	18,984.00	18,984.00		793.00	18,191.00
	Total for Object 2000	499,935.00	499,935.00	279,880.47	103,151.94	116,902.59
3101	STRS Certificated Positions	168,308.00	168,308.00	64,452.72	22,877.57	80,977.71
3102	STRS Classified Positions	24,778.00	24,778.00	621.60	276.58	23,879.82
3202	PERS Classified Positions	96,296.00	96,296.00	50,530.13	20,969.05	24,796.82
3301	OASDI Certificated Positions	4,347.00	4,347.00			4,347.00
3302	OASDI Classified Positions	30,015.00	30,015.00	16,903.35	6,213.88	6,897.77
3311	Medicare Certificated Position	8,522.00	8,522.00	5,555.36	1,990.20	976.44
3312	Medicare Classified Positions	7,181.00	7,181.00	4,012.90	1,481.17	1,686.93
3401	Health & Welfare Benefits Cert	120,128.00	120,128.00	82,689.04	26,216.04	11,222.92
3402	Health & Welfare Benefits Clas	112,389.00	112,389.00	62,296.88	29,890.99	20,201.13
3501	SUI Certificated	304.00	304.00	199.52	71.28	33.20
3502	SUI Classified	251.00	251.00	139.83	51.00	60.17
3601	Workers' Compensation Certific	22,479.00	22,479.00	14,537.84	5,208.08	2,733.08
3602	Workers' Compensation Classifi	18,948.00	18,948.00	10,501.05	3,875.89	4,571.06
3901	Golden Handshake	15,000.00	15,000.00			15,000.00
3902	Golden Handshake-Class	15,000.00	15,000.00			15,000.00
	Total for Object 3000	643,946.00	643,946.00	312,440.22	119,121.73	212,384.05
4100	Approved Textbooks Core Curric	1,103.00	1,103.00			1,103.00

Balances through October						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4300	Materials and Supplies	46,094.00	46,094.00	3,147.88	4,082.98	38,863.14
4320	Custodial Grounds Supplies	1,500.00	1,500.00	36.21		1,463.79
4330	Office Supplies	2,500.00	2,500.00	180.00		2,320.00
4350	Vehicle Upkeep	5,000.00	5,000.00	1,979.83	184.84	2,835.33
4399	Mat & Sup Undesignated Bal	879.00	879.00			879.00
4400	Noncapitalized Equipment	12,020.00	12,020.00			12,020.00
	Total for Object 4000	69,096.00	69,096.00	5,343.92	4,267.82	59,484.26
5100	Subagreements for Services	15,000.00	15,000.00			15,000.00
5200	Travel and Conference	17,079.00	17,079.00	5,296.88	1,158.50	10,623.62
5300	Dues and Membership	16,246.00	16,246.00	1,432.36	13,904.68	908.96
5400	Insurance	11,000.00	17,000.00		14,575.81	2,424.19
5500	Operation Housekeeping Service	14,500.00	14,500.00	3,776.51	223.49	10,500.00
5600	Rentals, Leases, Repairs, Nonc	1,850.00	1,850.00	602.32	58.58	1,189.10
5800	Professional Consulting	6,500.00	6,500.00			6,500.00
5801	Legal Services	18,500.00	18,500.00	2,710.00	2,207.50	13,582.50
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	242.00	242.00	101.00	49.00	92.00
5808	Other Services & Fees	1,500.00	3,500.00	1,359.23	390.77	1,750.00
5810	Contracted Services	411,963.00	403,963.00	280,596.44	37,589.83	85,776.73
5899	SPJUSD to Reimburse			4,182.04	26,083.52	30,265.56-
5900	Communications	10,500.00	10,500.00	6,184.64	3,092.32	1,223.04
	Total for Object 5000	525,380.00	525,380.00	306,241.42	99,334.00	119,804.58
6400	Equipment	79,255.00	79,255.00	39,217.22	12,845.79	27,191.99
6500	Equipment Replacement	15,000.00	15,000.00			15,000.00
	Total for Object 6000	94,255.00	94,255.00	39,217.22	12,845.79	42,191.99
7110	County Tuition Inter Dist Agree	25,000.00	25,000.00			25,000.00
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
	Total for Object 7000	49,428.00	49,428.00	.00	.00	49,428.00
	Total for Fund 01 and Expense accounts	2,491,256.00	2,491,256.00	1,342,210.45	480,852.36	668,193.19
Fund 11 - ADULT ED						
1100	Teachers Salaries				1,769.50	1,769.50-
1300	Certificated Supervisor Admini	89,732.00	89,732.00	59,821.36	29,910.68	.04-
	Total for Object 1000	89,732.00	89,732.00	59,821.36	31,680.18	1,769.54-

Balances through October						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 11 - ADULT ED (continued)						
2100	Instructional Aides' Salaries	5,684.00	5,684.00			5,684.00
2200	Classified Support Salaries	14,210.00	14,210.00			14,210.00
	Total for Object 2000	19,894.00	19,894.00	.00	.00	19,894.00
3101	STRS Certificated Positions	19,692.00	19,692.00	9,661.12	5,116.33	4,914.55
3202	PERS Classified Positions	3,031.00	3,031.00			3,031.00
3302	OASDI Classified Positions	1,233.00	1,233.00			1,233.00
3311	Medicare Certificated Position	1,301.00	1,301.00	867.44	459.38	25.82-
3312	Medicare Classified Positions	288.00	288.00			288.00
3401	Health & Welfare Benefits Cert	12,767.00	12,767.00	8,511.20	4,255.60	.20
3501	SUI Certificated	45.00	45.00	29.92	15.84	.76-
3502	SUI Classified	10.00	10.00			10.00
3601	Workers' Compensation Certific	3,589.00	3,589.00	2,269.84	1,202.06	117.10
3602	Workers' Compensation Classifi	795.00	795.00			795.00
	Total for Object 3000	42,751.00	42,751.00	21,339.52	11,049.21	10,362.27
4100	Approved Textbooks Core Curric	5,000.00	3,000.00	5,654.40		2,654.40-
4300	Materials and Supplies	3,000.00	2,000.00	1,596.80	125.00	278.20
4320	Custodial Grounds Supplies	1,500.00	1,000.00	485.69		514.31
4330	Office Supplies	1,000.00	500.00	345.28		154.72
4350	Vehicle Upkeep	150.00	1,650.00	1,184.22		465.78
4400	Noncapitalized Equipment	2,500.00	5,000.00	205.68	4,508.36	285.96
	Total for Object 4000	13,150.00	13,150.00	9,472.07	4,633.36	955.43-
5200	Travel and Conference	1,500.00	1,000.00	930.26	53.31	16.43
5203	MILEAGE	1,000.00	250.00			250.00
5300	Dues and Membership	700.00	1,100.00		1,070.00	30.00
5500	Operation Housekeeping Service	1,250.00	4,250.00	3,832.40	167.60	250.00
5600	Rentals, Leases, Repairs, Nonc	2,500.00	2,500.00	1,731.00	236.26	532.74
5801	Legal Services	1,000.00	500.00			500.00
5805	Personnel Expense		200.00	50.00		150.00
5810	Contracted Services	15,000.00	13,500.00	1,558.80	11,049.00	892.20
5900	Communications	5,000.00	3,550.00	958.44	241.56	2,350.00
	Total for Object 5000	27,950.00	26,850.00	9,060.90	12,817.73	4,971.37
6200	Building and Improvement of Bu		8,000.00	7,961.50		38.50
6400	Equipment	7,633.00	733.00		659.15-	1,392.15
	Total for Object 6000	7,633.00	8,733.00	7,961.50	659.15-	1,430.65
7619	Other Authorized Interfund Tra	4,090.00	4,090.00			4,090.00

Balances through October						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Total for Fund 11 and Expense accounts		205,200.00	205,200.00	107,655.35	59,521.33	38,023.32
Fund 16 - FOREST RES						
7211	Transfers of Pass-through Rev	330,000.00	330,000.00			330,000.00
7619	Other Authorized Interfund Tra	58,250.00	58,250.00			58,250.00
Total for Fund 16, Expense accounts and Object 7000		388,250.00	388,250.00	.00	.00	388,250.00
Total for Org 001 - Sierra County Office of Education		3,084,706.00	3,084,706.00	1,449,865.80	540,373.69	1,094,466.51

MINUTES FOR THE REGULAR MEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
October 13, 2020

In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Sierra County Board of Education held this meeting via Zoom Videoconferencing for the public.

Immediately followed the 6:00pm meeting of the Sierra-Plumas Joint Unified School District Governing Board

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 7:56pm.

B. ROLL CALL

PRESENT: Patty Hall, President
Nicole Stannard, Vice President
Allen Wright, Clerk
Mike Moore, Member
Jenny Gant, Member

ABSENT: None

C. APPROVAL OF AGENDA

STANNARD/MOORE

5/0

~~D. FLAG SALUTE~~

~~E.D.~~ INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

a. Devices and Technology Update

BERARDI: Pots of money coming from different organizations through grants and other program partnerships/collaborations. No money from Adult Ed is being used to acquire any devices for the District.

b. SARB Update

BERARDI: Starting up monthly meetings again this Thursday. Attendance still greatly counts. We are not exempt from attendance accountability anymore because of COVID. We also monitor students exhibiting red-flag behaviors.

c. Professional Services Agreement with Leslie Marsden for 2020-2021

BERARDI: Occupational Therapy services

d. Professional Services Agreement with Janis Hardeman for 2020-2021

BERARDI: Previous School Nurse, licensed, will oversee Gina D'Andrea (see item e. below) as she works towards her credential/licensing.

e. Assignment of Gina D'Andrea, Classroom Specialist (nursing duties), 5.4 hours daily, .900 FTE (temporary assignment)

2. Business Report

a. Letter from California Department of Education, 2020-2021 Budget approved

b. Account Object Summary-Balance from 07/01/2020 to 09/30/2020

3. Staff Reports

SELPA—BETHKE: Very glad to have ALL sites open again! There have been some hard-to-reach students and it helps tremendously to have all sites open to serve those students.

*ADULT ED—JACKSON: **not present***

4. Board Member Reports

None

5. Public Comment

None

~~F.E.~~ CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held September 08, 2020
2. Approval of minutes for the Special Board Meeting held September 28, 2020
3. Approval of minutes for the Special Board Meeting held September 30, 2020
4. Approval of Budget Transfers for September 2020
5. Approval of Board Report-Checks Dated 09/01/2020 through 09/30/2020
6. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 09/30/2020. 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.
 - a. No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending 09/30/2020.

WRIGHT/STANNARD

5/0

~~G.F.~~ ACTION ITEMS

1. Old Business
 - a. Proposed comp time for Administrative and Office Staff
*WRIGHT motioned to approve as was done in the District meeting.
Second by STANNARD.
5/0*
2. New Business
*MOORE motioned to table items a-b to November based on discussion of Science Curriculum in the District meeting. Second by WRIGHT.
5/0*

PUBLIC HEARING—Textbooks and Instructional Materials

- a. Public Hearing to receive comments on the sufficiency of textbooks and instructional materials for Kindergarten through 12th grade in each subject and to assure that they are aligned with the state standards adopted pursuant to Ed. Code 60605 or 60605.8. Also meet the reporting and sufficiency requirements contained in Ed. Code 60119.
see notes for Public Hearing in the District meeting minutes
- b. Adoption of Resolution No. 20-013C, Sufficiency of Textbooks or Instructional Materials
Tabled

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

MOORE motioned to approve all policies as was done in District meeting.

Second by GANT.

5/0

- c. 4030—Nondiscrimination in Employment
 1. Administrative Regulation, *revisions*

- d. 4119.11~4219.11~4319.11—Sexual Harassment
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *revisions*
- e. 4119.12~4219.12~4319.12—Title IX Sexual Harassment Complaint Procedures
 - 1. Administrative Regulation, *NEW*

H.G. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on November 10, 2020 via Zoom Videoconferencing beginning with Closed Session as needed at 5:00pm and the Regular Board Meetings at 6:00pm.
We will try to plan for an in-person meeting
- 2. Suggested Agenda Items
 - Science Curriculum and Instructional Materials Resolution update*
 - Meetings in person*

H.H. ADJOURN at 8:13pm
WRIGHT/STANNARD
5/0

Allen Wright, Clerk

James Berardi, Superintendent
Secretary to the County Board of Education

Checks Dated 10/01/2020 through 10/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015755	10/09/2020	AMAZON CAPITAL SERVICES	01-4300	MASK BRACKETS	27.85	
				STUDENT SUPPLIES	146.81	174.66
00015756	10/09/2020	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		773.08
00015757	10/09/2020	ALYSSA BANNISTER	01-4300	SPEECH SUPPLIES		56.45
00015758	10/09/2020	KATIE CAMPBELL	01-4300	LIFE SKILLS SUPPLIES		284.46
00015759	10/09/2020	DELL EMC	01-6400	CCFAC GRANT		11,885.53
00015760	10/09/2020	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	01-5805	EMPLOYMENT FINGERPRINTING		49.00
00015761	10/09/2020	GOODHEART-WILCOX PUBLISHER	01-4300	EBOOK ACTIVATION		999.96
00015762	10/09/2020	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE	85.03	
			11-5500	ELECTRICAL SERVICE	39.63	124.66
00015763	10/09/2020	MARY LOWE	01-5810	COUNSELING SERVICES		1,881.00
00015764	10/09/2020	OFFICE DEPOT	01-4300	CLASSROOM SUPPLIES		4.18
00015765	10/09/2020	PLUMAS-SIERRA TELECOMMUNICATIONS	11-5600	BROADBAND SERVICE		109.00
00015766	10/09/2020	SIERRA BOOSTER	11-5810	ADVERTISEMENT		99.00
00015767	10/09/2020	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		30.00
00015768	10/09/2020	TAYLOR CONCRETE	11-4400	GARDEN SHED CONCRETE PAD		1,500.00
00015769	10/09/2020	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	OCT 20 HEALTH INSURANCE	2,272.00	
			76-9576	OCT 20 HEALTH INSURANCE	17,334.90	19,606.90
00015770	10/09/2020	U.S. BANK	01-4300	DVL SCHOOL OPENING SUPPLIES	1,095.71	
			01-5200	CERTIFICATION RENEWAL	1,090.00	2,185.71
00015771	10/09/2020	VOYAGER	01-4350	FUEL EXPENSE	28.38	
			01-5200	FUEL EXPENSE	68.50	
			01-5899	FUEL EXPENSE	134.12	231.00
Total Number of Checks					17	39,994.59

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	14	20,912.06
11	ADULT EDUCATION	4	1,747.63
76	Payroll Clearing	1	17,334.90
Total Number of Checks		17	39,994.59
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			39,994.59

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

ESCAPE ONLINE

SIERRA COUNTY OFFICE OF EDUCATION

RESOLUTION NO. 20-013C

SUFFICIENCY OF TEXTBOOKS OR INSTRUCTIONAL MATERIALS

WHEREAS, the SIERRA COUNTY BOARD OF EDUCATION, in order to comply with the requirements of Education Code 60119, held a public hearing on October 13, 2020, at 6 o'clock, which was on or before the eighth week of school and which did not take place during or immediately following school hours, and;

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

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

WHEREAS, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the SIERRA COUNTY OFFICE OF EDUCATION, and;

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

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

Mathematics	<u>My Math</u> , Grades K-5	McGraw-Hill Education © 2017
	<u>California Mathematics</u> , Grades 6,7	Macmillan/McGraw-Hill/Glencoe
	<u>Mathematics_Course 1</u>	Prentice Hall © 2013
	<u>Pre-Algebra</u> , Grades 8-12	Prentice Hall
	<u>Algebra II</u> , Grades 8-12	Glencoe
	<u>Pre Calculus</u>	Houghton Mifflin
	<i>Newly Adopted for 2015-16:</i>	
	<u>Mathematics, Course 1, Common Core</u>	Pearson Education, Inc.
	<u>Mathematics, Course 2, Common Core</u>	Pearson Education, Inc. ©2013
	<u>Mathematics, Course 3, Common Core</u>	Pearson Education, Inc. ©2013
	<u>Geometry, Common Core</u>	Pearson Education, Inc. ©2015
	<u>Algebra 1, Common Core, CA</u>	Pearson Education, Inc. ©2015
	<u>Algebra 2, Common Core, CA</u>	Pearson Education, Inc. ©2015
	<u>Calculus, AP Edition</u>	Pearson Education, Inc. ©2014
	<u>Calculus, Graphical, Numerical, Algebraic, 5th Edition</u>	Pearson Education, Inc. ©2016
<u>Financial Algebra</u>	Cengage Learning ©2011	

Science	<i>**see below</i>	
History/ Social Science	<u>My World</u> , Grades TK-5 Grades 6-8 <u>Impact</u> , Grades 9-12 <u>TCI, History Alive! Geography</u> , Grade 9 (Downieville only) <u>American Pageant</u> , AP Government <u>Geography</u> , Grades 9-12	Pearson Education, Inc. National Geographic/Cengage McGraw Hill Cengage Glencoe

English/ Language Arts (Including English Learners)	<u>Mirrors & Windows</u> <u>Continuing with Literature, Levels I-V</u> <u>British Tradition</u> <u>American Tradition</u> <u>Wonders CA Comprehensive System</u> <u>The Power of Connection</u>	EMC Publishing, LLC © 2016 McGraw-Hill Education © 2015-17
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****WHEREAS**, SCIENCE textbooks and instructional materials are scheduled to be updated through the curriculum adoption process this 2020-2021 school year, and;

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

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

THEREFORE, IT IS RESOLVED THAT for the 2020-2021 school year, the SIERRA COUNTY OFFICE OF EDUCATION has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

PASSED AND ADOPTED at a regular meeting of the SIERRA COUNTY BOARD OF EDUCATION held on November 10, 2020, by the following vote:

AYES: _____
 NOES: _____
 ABSTAIN: _____
 ABSENT: _____
 VACANT: _____

Allen Wright, Clerk
 Sierra County Board of Education

Course approvals for Adult Education:

Hospitality CTE courses

1. Culinary Arts: 40 hour Bootcamps with Industry Serve Safe Certificate and Food Preparation Certificate
2. Guest Services: 40 hour Bootcamp with Industry Customer Service 1 Certificate

Both of these bootcamps have been accepted by FRC as entry level courses into the Culinary Arts Degree they offer.

Medical CTE

1. Medical Assistant level 1 with State certification test
2. Paramedic 1 with internship and National Registry Certification and state test for licensing.
3. Paramedic 2 with National Registry Certification
4. CNA program in partnership with FRC and Eastern Plumas Health Care

CSBA POLICY GUIDE SHEET – November 10, 2020

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

Board Policy 5141.22 - Infectious Diseases

Policy reflects **NEW LAW (AB 262, 2019)** which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.

NEW TO SCOE/SPJUSD - Administrative Regulation 5141.22 - Infectious Diseases

Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's [Science Safety Handbook](#) pertaining to experiments involving human blood sampling.

Administrative Regulation 5145.3 - Nondiscrimination/Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.

Board Policy 5145.6 - Parental Notifications

Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.

Exhibit 5145.6 - Parental Notifications

Exhibit updated to reflect **NEW LAW (SB 74, 2020)** which extends the suspension of certain mandated activities through the 2020-21 school year; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect **NEW LAW (SB 1109, 2018)** which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect **NEW LAW (AB 2370, 2018)** which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.

Board Policy 5145.7 - Sexual Harassment

Policy updated to include examples of actions to reinforce the district's sexual harassment policy, consistent with **NEW LAW (AB 34, 2019)** which requires posting the sexual harassment policy on the district's web site and **NEW LAW (AB 543, 2019)** which requires displaying a poster and providing the sexual harassment policy in student orientations. Policy also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator throughout policy pursuant to federal regulations.

Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's uniform complaint procedures (UCP) in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.

Administrative Regulation 5145.7 - Sexual Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which amend the process for resolving complaints of sexual harassment, including, but not limited to, requirements to designate a Title IX Coordinator and disseminate the Coordinator's contact information. Regulation also reflects **NEW LAW (AB 543, 2019)** which requires the district to create a poster notifying students of the district's sexual harassment policy and to display the poster in specified locations, and requires the district to provide a copy of the policy to students as part of any orientation program for new and continuing students. Regulation reflects **NEW LAW (AB 34, 2019)** which requires the district to post the district's sexual harassment policy and the definition of sexual harassment in a prominent location on the district's web site.

Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s) moved and revised to reference CSBA's AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds requirement to notify students and parents/guardians that the district does not discriminate on the basis of sex and that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education; deletes requirement to provide contact information of the Title IX Coordinator to employees, bargaining units, and job applicants which is addressed in AR 4119.11/4219.11/4319.11 - Sexual Harassment; and reflects **NEW LAW (AB 34, 2019)** which requires districts to post the definition of sex discrimination and harassment in a prominent location on the district's web site.

NEW - Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the offer of supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under the district's UCP and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; add optional language providing that an employee must forward a report of sexual harassment to the Title IX Coordinator within one day, consistent with AR 5145.7 - Sexual Harassment; revise the timeframe for concluding the complaint process from 45 to 60 days to align with requirements of the UCP; reflect the right to appeal the district's decision to the California Department of Education consistent with the UCP or to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.

NEW - Exhibit 5145.71 - Title IX Sexual Harassment Complaint Procedures

New exhibit presents a sample of the required notification to students and parents/guardians regarding the district's Title IX sexual harassment policy, the district's Title IX coordinator, and grievance procedures pursuant to 34 CFR 106.8.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Students

BP 5141.22

INFECTIOUS DISEASES

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

In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop plans for dealing with infectious disease outbreaks, including influenza or coronavirus pandemics. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan. Also see the U.S. Department of Health and Human Services' School District (K-12) Pandemic Influenza Planning Checklist for components districts may want to consider when developing and updating emergency and disaster preparedness plans.

~~The Governing Board of Education~~ desires to protect students from risks posed by exposure to infectious diseases while providing ~~an appropriate~~ high-quality education for all students. ~~The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.~~

~~Infectious Disease Prevention~~

The Superintendent or designee shall collaborate with ~~parents/guardians and local and state health agencies and organization officials~~ to develop and regularly update a comprehensive ~~approach to plan for~~ disease prevention that promotes preventative measures ~~and~~, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

~~(cf. 1020 - Youth Services)~~ 0400 - Comprehensive Plans

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

~~(cf. 0415 - Equity)~~

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

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)~~

~~(cf. 3516 - Emergencies and Disaster Preparedness Plan)~~

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

~~(cf. 5141.26 - Tuberculosis Testing)~~

~~(cf. 5141.3 - Health Examinations)~~

~~(cf. 5141.31 - Immunizations)~~

~~(cf. 5141.32 - Health Screening for School Entry)~~

~~(cf. 5141.6 - ~~Student School Health and Social Services~~)~~

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

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

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

~~The Superintendent or designee shall ensure that the~~ The district's comprehensive health education program ~~provides~~ shall provide age-appropriate information about the ~~prevention~~ nature and symptoms of infectious communicable diseases, ~~including the nature of bloodborne pathogens and~~

their transmission, ~~as well as information and how~~ to help prevent the spread of contagious diseases, ~~such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.~~

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

(cf. 6142.8 - Comprehensive Health Education)

Universal Precautions

Note: Pursuant to Health and Safety Code 120175.5, as added by AB 262 (Ch. 798, Statutes of 2019), local health officers are required to promptly notify and update districts during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, if, in the opinion of the local health officer, action or inaction on the part of the district might affect the outbreak response efforts. Local health officers are also required to make any relevant information available to districts, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that districts should take to assist with outbreak response efforts. The local health officers may issue orders to districts to take any action that the health officers deem necessary to control the spread of the communicable disease.

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Note: Pursuant to 8 CCR 5193, employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens for a detailed exposure control plan and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. The following optional paragraph addresses the need for students to follow similar procedures.

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

Note: In Thomas v. Atascadero Unified School District, a federal court held that acquired immunodeficiency syndrome (AIDS) is a disability under Section 504 of the Rehabilitation Act (29 USC 794) and that a student with AIDS cannot be excluded from school without evidence that the student poses a risk of transmission of the human immunodeficiency virus (HIV) to classmates or teachers. The following paragraph extends this protection to students with any bloodborne pathogen infection. 8 CCR 5193 defines bloodborne pathogens to include the hepatitis C virus in addition to hepatitis B virus and HIV.

See AR 5112.2 - Exclusion from Attendance for information regarding exclusions, including notification of parents/guardians.

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

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

Note: The following optional paragraph encourages parents/guardians to notify the school if their child has an infectious disease so that staff can assist in maintaining the child's health. However, the law does not require parents/guardians to inform school officials of a student's medical condition; thus, a student cannot be penalized because the parent/guardian did not provide such notification.

Both state and federal law (Education Code 49060-49069.7; 20 USC 1232g) require that student health information remain confidential. In the event that a parent/guardian authorizes the district to disclose the fact that the student has an infectious disease, it is recommended that any decision to inform staff should be made by the Superintendent or designee, the student, and the student's parent/guardian, in consultation with district legal counsel.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize ~~the child's~~ exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49060-49069.7 Student records

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 ~~Information of use in emergencies~~ Student emergency information

49602 ~~Confidentiality~~ Counseling and confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION

~~Article I, Section 1 Right to Privacy~~

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.7678 Information Practices Act

HEALTH AND SAFETY CODE

120175.5 Local health officers and communicable diseases

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-~~121022~~ 121023 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for ~~pupils~~ students

CALIFORNIA CONSTITUTION

~~Article I, Section 1 Right to Privacy~~

CODE OF REGULATIONS, TITLE 8

5193 ~~California bloodborne~~*Bloodborne pathogens standard*

CODE OF REGULATIONS, TITLE 17

2500-2511 *Communicable disease reporting requirements*

UNITED STATES CODE, TITLE 20

1232g *Family Educational and Privacy Rights Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 ~~Health Insurance Portability and Accountability Act (HIPAA)~~*Privacy of individually identifiable health information*

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

Management Resources:

~~CSBA~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Saving Lives: AIDS Issues~~*Science Safety Handbook for California Public Schools-1994, rev. 2006, 2014*

~~Avian~~U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

~~School District (K-12) Pandemic Influenza, Governance and Policy Services Fact Sheet, April 2006~~ *Planning Checklist*

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

~~Contra Costa County Office of Education, Pandemic Flu Resources:~~
~~http://www.cceoe.k12.ca.us/about/flu/resources_flu_action_kit~~

~~U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>~~

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

Policy adopted: April 10, 2007

revised: August 12, 2008

revised: November 10, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5141.22

INFECTIOUS DISEASES

Note: The following **optional** administrative regulation may be modified to reflect district practice.

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6157 - Distance Learning)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Youth)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)

7. Protocols for transportation of students using district vehicles
(*cf. 3540 - Transportation*)
(*cf. 3543 - Transportation Safety and Emergencies*)
8. Information on effective hygiene practices
9. Provisions for continuing free and reduced-price meal services
(*cf. 3550 - Food Service/Child Nutrition Program*)
(*cf. 3553 - Free and Reduced Price Meals*)
10. Processes for protecting students who are at higher risk from the disease
11. Programs that enhance a positive school climate and foster the emotional well-being of all students
(*cf. 5141.5 - Mental Health*)
(*cf. 5141.52 - Suicide Prevention*)
(*cf. 6164.2 - Guidance/Counseling Services*)
12. Guidelines for cleaning and sanitization of district facilities and equipment
(*cf. 3510 - Green School Operations*)
(*cf. 3514.1 - Hazardous Substances*)
13. Protocols for visitors and outside groups that utilize district facilities
14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Note: The following standards are based upon the universal precautions required for use by employees pursuant to 8 CCR 5193 and should be modified to reflect district practice. See also the California Department of Education's (CDE) [Science Safety Handbook](#) for more information about laboratory safety and universal precautions.

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.
(*cf. 5142 - Safety*)

Note: CDE's Science Safety Handbook recommends that alternatives to fresh human blood, such as blood that is acquired from a local blood bank that has been tested and found to be free of hepatitis B and human immunodeficiency virus, be utilized for experiments that require blood samples. If the district permits fresh human blood samples from students to be utilized for such purposes, CDE's Science Safety Handbook states that human blood sampling may only occur on a voluntary basis, that the blood draw should be self-administered and performed in a manner consistent with the district's exposure control plan, and that goggles and gloves should be utilized. As students with specified known medical conditions are not permitted to participate, districts should have a process in place which ensures that students with such medical conditions need not share that information with their teacher(s) or other students.

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
 - a. For finger punctures, students shall use individual sterile lancets that have engineered sharps injury protection and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.
 - (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
 - (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
 - (cf. 5022 - Student and Family Privacy Rights)
 - (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
 - (cf. 6142.8 - Comprehensive Health Education)
 - (cf. 6142.93 - Science Instruction)

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Regulation approved: November 10, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5145.3

NONDISCRIMINATION/HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations **mandate** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraph identifies the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws as the same person designated to investigate and resolve discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Districts may modify the following paragraph to designate different district employees to serve these functions. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires that the employee designated by the district to coordinate its responsibilities under Title IX be referred to as the Title IX Coordinator. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether the complaint should be

appropriately addressed through AR 1312.3 or the federal Title IX complaint procedures pursuant to 34 CFR 106.44-106.45. The Title IX Coordinator may be the same person designated below and in AR 1312.3. See AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, ~~including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975,~~ and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Superintendent of Schools
 PO Box 955
 109 Beckwith Road
 Loyalton, CA 96118
 530-993-1660 Ext 110
mgrant@spjUSD.org berardi@spjUSD.org

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8, 106.9), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. For notification requirements specifically pertaining to sexual harassment, see BP/AR 5145.7 - Sexual Harassment.

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them ~~on the~~

~~district's web site and other~~in prominent locations and providing easy access to them through district-supported ~~social media, when available.~~communications

~~2. Post in a prominent and conspicuous location on the district and school web sites~~

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires a district, starting with the 2020-21 school year, to post its nondiscrimination policies on its web site as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 5145.9 - Hate-Motivated Behavior)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post the definitions specified below.

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

Note: Education Code 221.61 requires districts and public schools to post on their web sites information related to Title IX (20 USC 1681-1688). Education Code 234.6, as added by AB 34, requires districts, beginning in the 2020-21 school year, to post the Title IX information required pursuant to 221.61 in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a web site may comply by posting the information below on the web site of its county office of education. A school without a web site may comply by posting the information on the web site of the district or county office of education.

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
- a. The name and contact information of the district's Title IX ~~coordinator~~Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

- c. A description of how to file a complaint of noncompliance ~~with Title IX in accordance with AR 1312.3—Uniform Complaint Procedures under Title IX~~, which shall include:
- (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
- d. A link to the Title IX information included on the California Department of Education's (CDE) web site

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post a link to statewide resources as specified below.

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

~~6 (cf. 1113—District and School Web Sites)~~

~~(cf. 1114—District Sponsored Social Media)~~

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. ~~(Education Code 234.1)~~
47. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under

the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter or be served by the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient and costs. State law is more specific than federal law. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

69. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

710. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

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

Note: Item #11 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
(*cf. 5131.5 - Vandalism and Graffiti*)
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
(*cf. 4112.6/4212.6/4312.6 - Personnel Files*)
(*cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information*)
(*cf. 5125 - Student Records*)
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that ~~he/she~~the student knew was not true
(*cf. 4118 - Dismissal/Suspension/Disciplinary Action*)
(*cf. 4218 - Dismissal/Suspension/Disciplinary Action*)
(*cf. 5144 - Discipline*)
(*cf. 5144.1 - Suspension and Expulsion/Due Process*)
(*cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)*)
(*cf. 6159.4 - Behavioral Interventions for Special Education Students*)

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25). OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed.

Complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Allegations that do not meet this definition should be addressed through the district's UCP. See BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, ~~any student~~students who ~~observes~~observe any such incident

~~is~~are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a ~~verbal~~ report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, ~~he/she~~the principal or compliance officer shall ~~make a note of the report and encourage~~notify the student or parent/guardian of the right to file ~~the a formal~~ complaint in ~~writing, pursuant to the provisions in accordance with~~ AR 1312.3 - Uniform Complaint Procedures; or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the ~~principal or~~ compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Note: The term "gender identity" is not specifically defined in the Education Code. The following definition is consistent with case law and generally accepted terms within academia, as well as the Resolution Agreement between the Arcadia Unified School District, the U.S. Department of Education Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense ~~of his/her gender~~, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender ~~he/she was~~ assigned at birth.

~~Regardless of whether they are sexual in nature,~~ The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment ~~are prohibited, regardless of whether the acts are sexual in nature.~~ Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with ~~his/her~~ the student's gender identity
2. Disciplining or disparaging a student or excluding ~~him/her~~ the student from participating in activities, for behavior or appearance that is consistent with ~~his/her~~ the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to ~~his/her~~ the student's gender identity
4. Taunting a student because ~~he/she~~ the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. ~~Use of~~ Using gender-specific slurs
7. ~~Physical assault of~~ Physically assaulting a student motivated by hostility toward ~~him/her~~ the student because of ~~his/her~~ the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that

correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/herthe student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/shethe employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/herthe student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/herthe student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/herthat gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/herthe student's parents/guardians to identify and develop strategies for ensuring that the student's access to ~~education~~educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the

compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to ~~his/her~~the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting ~~his/her~~the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

Note: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Because Education Code 221.5 affords transgender students these rights, districts in California are not impacted by the February 22, 2017 action of the USDOE and U.S. Department of Justice to rescind earlier federal guidance which had indicated that, under Title IX, students must be allowed to use sex-segregated facilities in accordance with their gender identity. In implementing state law, districts may review recommended practices in the USDOE's Office of Elementary and Secondary Education's Examples of Policies and Emerging Practices for Supporting Transgender Students. For more information on the rights of transgender students, see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, ~~access to a staff member's office,~~ or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because ~~he/she~~the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with ~~his/her~~the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with ~~his/her~~the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
- (cf. 6145 - Extracurricular and Cocurricular Activities)*
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

Note: Education Code 49062.5 and 49070, as added and amended by AB 711 (Ch. 179, Statutes of 2019), respectively, require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. ~~However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law. When a student presents~~

government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the ~~pronouns~~pronoun(s) consistent with ~~his/her~~the student's gender identity, without the necessity of a court order or a change to ~~his/her~~the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with ~~his/her~~the student's gender identity, subject to any dress code adopted on a school site.
(cf. 5132 - Dress ~~Code~~and Grooming)

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

Regulation approved: December 9, 2014

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revised: November 10, 2020

Sierra County/Sierra-Plumas Joint USD

Board Policy

Students

BP 5145.6

PARENTAL NOTIFICATIONS

The Governing Board ~~of Education~~ desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ the Superintendent or designee believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

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

Whenever a student enrolls in a district school during the school year, ~~his/her~~ the student's parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, ~~he/she~~the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination
 231.5 Sexual harassment policy
 234.7 Student protections relating to immigration and citizenship status
 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
 310 Language acquisition programs
 313 Reclassification of English learners, parental consultation
 313.2 Long-term English learner, notification
 440 English language proficiency assessment; instruction in English language development
 8483 Before/after school program; enrollment priorities
 17288 Building standards for university campuses
 17611.5-17612 Notification of pesticide use
 32221.5 Insurance for athletic team members
 32255-32255.6 Right to refuse harmful or destructive use of animals
 32390 Fingerprint program; contracts; funding; consent of parent/guardian
 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
 35160.5 Extracurricular and cocurricular activities
 35178.4 Notice of accreditation status
 35182.5 Advertising in the classroom
 35183 School dress codes; uniforms
 35186 Complaints concerning deficiencies in instructional materials and facilities
 35211 Driver training; district insurance, parent/guardian liability
 35256 School Accountability Report Card
 35258 School Accountability Report Card
 35291 Rules for student discipline
 37616 Consultation regarding year-round schedule
 39831.5 School bus rider rules and information
 44050 Employee codes of conduct, employee interactions with students
 44808.5 Permission to leave school grounds
 46010.1 Notice regarding excuse to obtain confidential medical services
 46014 Regulations regarding absences for religious purposes
 46600-46611 Interdistrict attendance agreements
 48000 Minimum age of admission
 48070.5 Promotion or retention of students
 48204 Residency requirements
 48205 Absence for personal reasons
 48206.3 Students with temporary disabilities; individual instruction; definitions

48207-48208 *Students with temporary disabilities in hospitals*
 48213 *Prior notice of exclusion from attendance*
 48216 *Immunization*
 48260.5 *Notice regarding truancy*
 48262 *Need for parent conference regarding truancy*
 48263 *Referral to school attendance review board or probation department*
 48301 *Interdistrict transfers*
~~48350-48361 *Open Enrollment Act*~~
~~48354 *Option to transfer from school identified under Open Enrollment Act*~~
~~48357 *Status of application for transfer from school identified under Open Enrollment Act*~~
 48412 *Certificate of proficiency*
 48432.3 *Voluntary enrollment in continuation education*
 48432.5 *Involuntary transfers of students*
 48850-48859 *Education of foster youth and homeless students*
 48900.1 *Parental attendance required after suspension*
 48904 *Liability of parent/guardian for willful student misconduct*
 48904.3 *Withholding grades, diplomas, or transcripts*
 48906 *Notification of release of student to peace officer*
 48911 *Notification in case of suspension*
 48911.1 *Assignment to supervised suspension classroom*
 48912 *Closed sessions; consideration of suspension*
 48915.1 *Expelled students; enrollment in another district*
 48916 *Readmission procedures*
 48918 *Rules governing expulsion procedures*
 48929 *Transfer of student convicted of violent felony or misdemeanor*
 48980 *Required notification at beginning of term*
 48980.3 *Notification of pesticide use*
 48981 *Time and means of notification*
 48982 *Parent signature acknowledging receipt of notice*
 48983 *Contents of notice*
 48984 *Activities prohibited unless notice given*
 48985 *Notices to parents in language other than English*
 48987 *Child abuse information*
 49013 *Use of uniform complaint procedures for complaints regarding student fees*
 49063 *Notification of parental rights*
 49067 *Student evaluation; student in danger of failing course*
 49068 *Transfer of permanent enrollment and scholarship record*
 49069 *Absolute right to access*
 49070 *Challenging content of student record*
 49073 *Release of directory information*
 49073.6 *Student records, social media*
 49076 *Access to student records*
 49077 *Access to information concerning a student in compliance with court order*
 49403 *Cooperation in control of communicable disease and immunization*
 49423 *Administration of prescribed medication for student*
 49451 *Physical examinations: parent's refusal to consent*
 49452.5 *Screening for scoliosis*
 49452.7 *Information on type 2 diabetes*
 49452.8 *Oral health assessment*
 49456 *Results of vision or hearing test*
 49471-49472 *Insurance*
 49475 *Student athletes; concussions and head injuries*
49476 *Student athletes; opioid fact sheet*
 49480 *Continuing medication regimen for nonepisodic conditions*
 49510-49520 *Duffy-Moscone Family Nutrition Education and Services Act of 1970*
 49557.5 *Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account*
 51225.1 *Exemption from district graduation requirements*

51225.2 *Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students*

51225.3 *Graduation requirements; courses that satisfy college entrance criteria*

51229 *Course of study for grades 7-12*

51513 *Personal beliefs; privacy*

51938 *HIV/AIDS and sexual health instruction*

52164 *Language census*

52164.1 *Census-taking methods; determination of primary language; assessment of language skills*

52164.3 *Reassessment of English learners; notification of results*

54444.2 *Migrant education programs; parent involvement*

56301 *Child-find system; policies regarding written notification rights*

56321 *Special education: proposed assessment plan*

56321.5-56321.6 *Notice of parent rights pertaining to special education*

56329 *Written notice of right to findings; independent assessment*

56341.1 *Development of individualized education program; right to audio record meeting*

56341.5 *Individualized education program team meetings*

56343.5 *Individualized education program meetings*

56521.1 *Behavioral intervention*

58501 *Alternative schools; notice required prior to establishment*

60615 *Exemption from state assessment*

60641 *California Assessment of Student Performance and Progress*

69432.9 *Submission of grade point average to Cal Grant program*

CIVIL CODE

1798.29 *District records, breach of security*

HEALTH AND SAFETY CODE

1596.857 *Right to enter child care facility*

~~1597.16~~ *Licensed child care centers, lead testing*

104420 *Tobacco use prevention*

104855 *Availability of topical fluoride treatment*

116277 *Lead testing of school drinking water*

120365-120375 *Immunizations*

120440 *Sharing immunization information*

124100-124105 *Health screening and immunizations*

PENAL CODE

626.81 *Notice of permission granted to sex offender to volunteer on campus*

627.5 *Hearing request following denial or revocation of registration*

CODE OF REGULATIONS, TITLE 5

852 *Exemptions from state assessments*

863 *Reports of state assessment results*

3052 *Behavioral intervention*

4622 *Notification of uniform complaint procedures*

4631 *Uniform complaint procedures; notification of decision and right to appeal*

~~4702~~ *Student transfer from school identified under Open Enrollment Act*

4917 *Notification of sexual harassment policy*

11303 *Reclassification of English learners*

11511.5 *English language proficiency assessment; test results*

11523 *Notice of proficiency examinations*

18066 *Child care policies regarding excused and unexcused absences*

18094-18095 *Notice of Action; child care services*

18114 *Notice of delinquent fees; child care services*

18118-18119 *Notice of Action; child care services*

CODE OF REGULATIONS, TITLE 17

2951 *Hearing tests*

6040 *Time period to obtain needed immunizations*

UNITED STATES CODE, TITLE 20

1232g *Family Educational and Privacy Rights Act*

1232h *Privacy rights*

1415 *Procedural safeguards*

6311 *State plan*

6312 Local educational agency plans
 6318 Parent and family engagement
7704 Impact Aid; policies and procedures related to children residing on Indian lands
 7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
 1758 Child nutrition programs
 11431-11435 McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 7
 245.5 Eligibility criteria for free and reduced-price meals
 245.6a Verification of eligibility for free and reduced-price meals
CODE OF FEDERAL REGULATIONS, TITLE 34
 99.7 Student records, annual notification
 99.30 Disclosure of personally identifiable information
 99.34 Student records, disclosure to other educational agencies
 99.37 Disclosure of directory information
 104.32 District responsibility to provide free appropriate public education
 104.36 Procedural safeguards
 104.8 Nondiscrimination
106.8 Notification of contact information for Title IX coordinator
 106.9 Dissemination of policy, nondiscrimination on basis of sex
 200.48 Teacher qualifications
222.94 Impact Aid; district responsibilities
 300.300 Parent consent for special education evaluation
 300.322 Parent participation in IEP team meetings
 300.502 Independent educational evaluation of student with disability
 300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
 300.504 Procedural safeguards notice for students with disabilities
 300.508 Due process complaint
 300.530 Discipline procedures
CODE OF FEDERAL REGULATIONS, TITLE 40
 763.84 Asbestos inspections, response actions and post-response actions
 763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

~~Unpaid Meal Charges: Guidance and Q&A, SP 23 2017, March 2017~~

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: February 12, 2013
 revised: April 10, 2018
revised: November 10, 2020

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)~~ 2019 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the ~~2018-19~~ 2020-21 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
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
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; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
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
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community
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	BP 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
When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
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 <u>number and</u>	20 USC 7908	AR 5125.1	Request that district not release <u>student's</u> name, address, <u>phone</u> <u>phone number of child</u> 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
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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
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,	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections,

and annually thereafter			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
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, <u>or</u> or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	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 behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
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: regarding excused and 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	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment

more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught

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
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For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
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When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704;	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
	34 CFR 222.94		

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
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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
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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
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When student complains of sexual harassment	34 CFR 106.44,	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable
	106.45		

When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
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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
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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

<u>In each classroom in each school</u>	<u>Education Code</u> <u>8235.5, 35186</u>	<u>AR 1312.4</u> <u>E 1312.4</u>	<u>Complaints subject to Williams uniform</u> 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

revised: November 10, 2020

Sierra County/Sierra-Plumas Joint USD

Board Policy

Students

BP 5145.7

SEXUAL HARASSMENT

Note: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: 34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

It is important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages ~~any student~~students who ~~feels~~feel that ~~he/she is~~they are being or ~~has~~have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, ~~or~~ who ~~has~~have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact ~~his/her~~their teacher, the principal, ~~the district's Title IX Coordinator~~, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the ~~principal or a district compliance officer~~. ~~Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation~~Title IX Coordinator.

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

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.~~

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

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5131.2 - Bullying)~~

~~(cf. 5137 - Positive School Climate)~~

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

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 6142.1 - 5145.71 - Title IX Sexual HealthHarassment Complaint Procedures)~~

~~The Title IX Coordinator shall offer supportive measures to the complainant and HIV/AIDS Prevention Instruction) respondent, as deemed~~

~~The Superintendent or designee shall take appropriate actions to reinforce~~under the circumstances.

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Pursuant to 34 CFR 106.8, the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even ~~where~~when the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and ~~prompt~~ action shall be taken to ~~stop any~~respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's ~~pre~~cedure procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will ~~take interim~~implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation ~~and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment~~

~~Complaint Process and Disciplinary Actions~~

~~Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 – Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures. (cf. 1312.3 – Uniform Complaint Procedures)~~

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall ~~have his/her employment terminated~~ be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

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

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

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

Record-Keeping

~~The~~ In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-~~4687~~4670 Uniform complaint procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, ~~discrimination~~ of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.~~71~~82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (~~2001~~2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

~~Dear Colleague Letter: Transgender Students, May 2016~~

Q&A on Campus Sexual Misconduct, September 2017

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

~~Questions and Answers on Title IX and Sexual Violence, April 2014~~

~~Dear Colleague Letter: Sexual Violence, April 4, 2011~~

Sexual Harassment: It's Not Academic, September 2008

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

WEB SI-TESITES

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

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

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

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

Policy adopted: April 10, 2007

revised: September 11, 2012

revised: June 19, 2013

revised: March 11, 2014

revised: December 9, 2014

revised: October 11, 2016

revised: November 10, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5145.7

SEXUAL HARASSMENT

~~The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with~~

Note: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the district adopt and publish complaint procedures. Also see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

~~The coordinator/compliance officer(s) may be contacted at:~~

~~Superintendent~~

~~109 Beckwith Road~~

~~P.O.Box 955~~

~~Loyalton, CA, 96118~~

~~530 993-1660 Ext *837~~

~~mgrant@spjUSD.org~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

Definitions

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. ~~5131 - Conduct~~ 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

~~(cf. 5137 - Positive School Climate)~~

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Examples of Sexual Harassment

Note: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights January 2001 Revised Sexual Harassment Guidance and definitions specified in 5 CCR 4916.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Superintendent, James Berardi
109 Beckwith Road
PO Box 955
Loyalton, CA 96118
530-993-1660 x110
jberardi@spjusd.org

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)
(cf. 5145.6 - Parental Notifications)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR 106.8 also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.~~

Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post the definitions specified below. Also see AR 5145.3 - Nondiscrimination/Harassment for language reflecting this requirement and other notifications related to sex discrimination.

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Process and Complaint Investigation and Resolution**Complaints**

AnyA student or parent/guardian who believes that he/shethe student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/hera teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/herthe observation to the principal or a district compliance officer.Title IX Coordinator. The employeereport shall take these actions, be made regardless of whether or not the alleged victim files a formal complaint or requests confidentiality. *(cf. 5141.4 - Child Abuse Prevention and Reporting)*

When a report or complaint of sexual harassment involves off-campus conduct, the principalTitle IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/sheIf the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officerTitle IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effectsapplicable district complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

~~In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee or the president of the Board of Education who shall determine who will investigate the complaint.~~

~~(cf. 5141.1 – Child Abuse Prevention and Reporting)~~

~~Confidentiality~~

Complaint Procedures

~~All complaints and allegations of sexual harassment by and against students shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5-CCR 4964)~~

~~However, when a complainant or victim of sexual harassment notifies the investigated and resolved in accordance with law and district of the harassment but requests confidentiality, the compliance officer procedures. The Title IX Coordinator shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request review the allegations to determine the applicable procedure for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond responding to the complaint consistent with the request.~~

~~When a complainant or victim of. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment notifies the district of the complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.~~

~~If sexual harassment but requests that the district not pursue is found following an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.~~

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)~~

~~(cf. 5125 – Student Records)~~

~~Response Pending Investigation~~

~~When an incident of sexual harassment is reported, the principal Title IX Coordinator, or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary Coordinator, shall take prompt action to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school sponsored or school-related programs or activities sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.~~

Notifications

~~A copy of the district's sexual harassment policy and regulation shall:~~

- ~~1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)~~

~~(cf. 5145.6 Parental Notifications)~~

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

~~A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.~~

~~(cf. 1113 District and School Web Sites)~~

~~(cf. 1114 District Sponsored Social Media)~~

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

Regulation approved: April 10, 2007

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Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5145.71

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Reporting Allegations/Filing a Formal Complaint

Note: Pursuant to 34 CFR 106.30, the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for any employee to forward the report to the Title IX Coordinator as stated in AR 5145.7 - Sexual Harassment and may be revised to reflect district practice.

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents

generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

Note: As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44 which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see the section "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 60-day period in order to align with the requirements of the UCP which are simultaneously triggered when a complaint of sexual harassment is received. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and

witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Note: 5 CCR 4632-4633 provide that complainants may appeal to CDE if they disagree with the district's decision on any matter within the scope of the UCP. As amended by Register 2020, No. 21, 5 CCR 4632 changes the timeline for filing an appeal with CDE from 15 calendar days to 30 calendar days.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

Note: The following paragraph is consistent with requirements under Education Code 262.3, 5 CCR 4622, and the California Department of Education's Federal Program Monitoring instrument to provide notice regarding civil law remedies in the annual UCP notice and in the final written decision in the UCP process.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
(*cf. 6164.5 - Student Success Teams*)
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
(*cf. 6145 - Extracurricular and Cocurricular Activities*)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(*cf. 4117.7/4317.7 - Employment Status Report*)

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

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

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

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.
(*cf. 1113 - District and School Web Sites*)
(*cf. 3580 - District Records*)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

48900 *Grounds for suspension or expulsion*
 48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
 48985 *Notices, report, statements and records in primary language*

CIVIL CODE

51.9 *Liability for sexual harassment; business, service and professional relationships*
 1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1092 *Definition of sexual assault*

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 34

12291 *Definition of dating violence, domestic violence, and stalking*

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

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Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FEDERAL REGISTER

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

WEB SITES

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

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

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

Sierra County/Sierra-Plumas Joint USD

Exhibit

Students

E 5145.71

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

Note: 34 CFR 106.8 requires the district to provide notice to students and parents/guardians of its policy prohibiting sexual harassment and its grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for employees, bargaining units, and applicants for employment, see E 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, the district must provide the Title IX Coordinator's contact information on its web site and in any handbook for students or parents/guardians. In addition, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's web site, in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to students at all grade levels and their parents/guardians:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

Note: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - Sexual Harassment.

The district has designated and authorized the following employee as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Superintendent, James Berardi
 109 Beckwith Road
 PO Box 955
 Loyalton, CA 96118
 530-993-1660 x110
 jberardi@spjusd.org

Note: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district must provide notice to employees, bargaining units, and job applicants of the district's grievance procedures and process, including how to report or file a formal complaint of sexual discrimination and/or harassment, and how the district will respond.

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures on the district's web site at www.sierracountyofficeofeducation.org.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact:

Superintendent, James Berardi
109 Beckwith Road
PO Box 955
Loyalton, CA 96118
530-993-1660 x110
jberardi@spjUSD.org

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Exhibit version: November 10, 2020