

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

November 12, 2013

6 pm

CLOSED SESSION will begin at 5 pm

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

This meeting will be available for videoconferencing at Downieville School, Downieville, CA.

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

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

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

- A. CALL TO ORDER
(Please be advised that this meeting, excluding Closed Session, will be recorded.)
- B. ROLL CALL
- C. FLAG SALUTE
- D. APPROVAL OF THE AGENDA
- E. PUBLIC COMMENT FOR CLOSED SESSION

At this time, the meeting opens for any public comments regarding the Closed Session item:

- 1. Conference with Labor Negotiators per Government Code §54957.6
Agency Negotiator for the Board: Dr. Merrill M. Grant, Superintendent
Employee Organizations: Represented Employees: SPTA and Classified;
Unrepresented Employees: Confidential and Management

F. CLOSED SESSION

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

G. RETURN TO OPEN SESSION

REPORT OUT

ADJOURN AND BREAK

6 pm - RECONVENE

H. PRESENTATION

- 1. Presentation from the Loyalton Elementary School 6th Grade Class, Patrick Doyle, Teacher

I. INFORMATION/DISCUSSION ITEMS

- 1. Superintendent's Report
 - a. Quarterly Meeting of the California County Superintendents Educational Services Association (CCSESA)

Sierra County Board of Education
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- b. Secure Rural Schools (SRS)
 - c. Local Control Accountability Plan (LCAP)
 - d. Ten contract days were added for Barbara Jaquez to maintain and enhance the County/District website
- 2. Business Report
 - a. Board Report-Expenditures by Object 07/01/13 to 10/31/13**
 - 3. Staff Reports (5 minutes)
 - 4. SPTA Report (5 minutes)
 - 5. Board Members' Report (5 minutes)
 - 6. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. Five minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)
 - a. Current location
 - b. Videoconference location

J. CONSENT CALENDAR

- 1. Approval of minutes of the Regular Board meeting held October 8, 2013**
- 2. Approval of bill warrants for month of October 2013**

K. ACTION ITEMS

Old Business

- 1314-053 Administrative Regulation 4161.2 (Certificated), Personal Leave, revision**
- 1314-054 Administrative Regulation 4261.2 (Classified), Personal Leave, revision**
- 1314-055 Administrative Regulation 4161.8, 4261.8, 4361.8, Family Care and Medical Leave, revision**

New Business

- 1314-056 Approval of Superintendent's Goals for 2012-2013**

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- 1314-057 Board Policy 5141.27, Food Allergies/Special Dietary Needs, revision**
- 1314-058 Administrative Regulation 5141.27, Food Allergies/Special Dietary Needs, revision**


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L. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on December 10, 2013, at Downieville School, Downieville, California, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm.

2. Suggested Agenda Items
 - a. _____
 - b. _____
 - c. _____

M. ADJOURNMENT



Dr. Merrill M. Grant, Superintendent

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

Balances through October						Fiscal Year 2013/14
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	160,144.00	160,144.00	130,747.60	37,295.60	7,899.20-
1120	Certificated Substitutes	4,833.00	4,833.00		2,910.00	1,923.00
1200	Certificated Pupil Support Ser	58,392.00	58,392.00	46,713.60	11,678.40	.00
1300	Certificated Supervisor Admini	65,192.00	65,192.00	60,532.16	26,629.71	21,969.87-
	Total for Object 1000	288,561.00	288,561.00	237,993.36	78,513.71	27,946.07-
2100	Instructional Aides' Salaries	107,184.00	107,184.00	77,269.57	20,036.74	9,877.69
2200	Classified Support Salaries	13,238.00	13,238.00	9,542.32	4,514.06	818.38-
2300	Classified Supervisors' Admini	90,812.00	90,812.00	59,940.00	30,120.00	752.00
2400	Clerical Technical Office Staf	113,140.00	113,140.00	78,857.04	38,584.03	4,301.07-
2900	Other Classified Salaries	6,144.00	6,144.00		736.00	5,408.00
	Total for Object 2000	330,518.00	330,518.00	225,608.93	93,990.83	10,918.24
3101	STRS Certificated Positions	22,319.00	22,319.00	19,634.32	6,252.12	3,567.44-
3102	STRS Classified Positions			266.56	157.07	423.63-
3202	PERS Classified Positions	52,074.00	52,074.00	31,937.84	14,107.08	6,029.08
3301	OASDI Certificated Positions	1,118.00	1,118.00		6.82	1,111.18
3302	OASDI Classified Positions	19,869.00	19,869.00	13,352.22	5,534.29	982.49
3311	Medicare Certificated Position	4,482.00	4,482.00	3,373.52	1,202.65	94.17-
3312	Medicare Classified Positions	4,653.00	4,653.00	3,167.28	1,323.82	161.90
3401	Health & Welfare Benefits Cert	70,692.00	70,692.00	60,010.24	17,393.52	6,711.76-
3402	Health & Welfare Benefits Clas	84,530.00	84,530.00	53,806.70	24,141.56	6,581.74
3501	SUI Certificated	1,358.00	1,358.00	118.96	42.53	1,196.51
3502	SUI Classified	165.00	165.00	112.98	46.61	5.41
3601	Workers' Compensation Certific	8,916.00	8,916.00	6,927.28	2,276.67	287.95-
3602	Workers' Compensation Classifi	10,239.00	10,239.00	6,503.78	2,718.39	1,016.83
3701	OPEB, Allocated Certificated	27,730.00	27,730.00			27,730.00
3901	Golden Handshake				6,479.22	6,479.22-
	Total for Object 3000	308,145.00	308,145.00	199,211.68	81,682.35	27,250.97
4200	Library and Reference Material	6,613.00	6,613.00	1,297.20		5,315.80
4300	Materials and Supplies	18,975.00	18,975.00	257.42	4,442.85	14,274.73
4320	Custodial Supplies	1,300.00	1,300.00	183.83	23.82-	1,139.99
4330	Office Supplies	2,000.00	2,000.00			2,000.00
4350	Vehicle Upkeep	6,500.00	6,500.00	2,372.99	314.51	3,812.50
	Total for Object 4000	35,388.00	35,388.00	4,111.44	4,733.54	26,543.02
5100	Subagreements for Services	33,544.00	33,544.00	21,156.00	12,644.00	256.00-
5200	Travel and Conference	23,985.00	23,985.00	8,263.00	2,743.54	12,978.46

Balances through October						Fiscal Year 2013/14
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
5300	Dues and Membership	17,470.00	17,470.00		9,601.00	7,869.00
5400	Insurance	10,200.00	10,200.00		10,149.00	51.00
5500	Operation Housekeeping Service	8,000.00	8,000.00	1,621.03	378.97	6,000.00
5600	Rentals, Leases, Repairs, Nonc	2,700.00	2,700.00	264.82	156.96	2,278.22
5800	Professional Consulting	9,000.00	9,000.00	5,700.00	3,500.00	200.00-
5801	Legal Services	29,205.00	29,205.00			29,205.00
5803	Legal Publications	500.00	500.00	200.00	40.00-	340.00
5805	Personnel Expense	593.00	593.00	270.00		323.00
5806	Negotiations	2,000.00	2,000.00			2,000.00
5808	Other Services & Fees	1,500.00	1,500.00	928.47	271.53	300.00
5810	Contracted Services	195,310.00	195,310.00	88,208.02	33,845.24	73,256.74
5899	SPJUSD to Reimburse			3,582.40	21,124.01	24,706.41-
5900	Communications	2,000.00	2,000.00			2,000.00
	Total for Object 5000	336,007.00	336,007.00	130,193.74	94,374.25	111,439.01
7110	County Tuition Inter Dist Agree	143,407.00	143,407.00	143,442.44		35.44-
7141	Tuition, excess cost etc betwe	213,187.00	213,187.00	17,025.96		196,161.04
7310	Direct Support/Indirect Costs					.00
	Total for Object 7000	356,594.00	356,594.00	160,468.40	.00	196,125.60
	Total for Expense accounts	1,655,213.00	1,655,213.00	957,587.55	353,294.68	344,330.77
	Total for Org 001, Fund 01 and Expense accounts	1,655,213.00	1,655,213.00	957,587.55	353,294.68	344,330.77

MINUTES OF THE REGULAR MEEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
October 8, 2013
Downieville School, Downieville, California

A. CALL TO ORDER

President ALLEN WRIGHT called the meeting to order at 6:10 pm.

B. ROLL CALL

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

ABSENT: None

VACANT: None

STAFF: Dr. Merrill M. Grant, Superintendent
Ms. Rose Asquith, Business Manager
Ms. Hannah Tomatis, Administrative Assistant
Ms. Marla Stock, Site Administrator
Ms. Marlene Mongolo, SELPA Director

C. FLAG SALUTE

D. APPROVAL OF THE AGENDA
MSCU/MOORE/HALL

E. INFORMATION/DISCUSSION ITEMS

1. **CORRESPONDENCE** – There was no correspondence.
2. **SUPERINTENDENT’S REPORT**
 - a. Goals – Dr. Grant reviewed his goals, which have been attached hereto.
 - b. Appointment of Rebekah Munoz, Instructional Aide, 5.4 hours daily, Loyalton Elementary School, effective September 24, 2013
 - c. Secure Rural Schools – Kermith Walters has continued to lobby in Washington, DC. The “helium” bill for 2013-14, which is supporting Secure Rural Schools, has been approved. This provides approximately \$475,000 for our S-PJUSD and \$50,000 for SCOE. Our District has infused this funding into our budget, reflected in the First Interim. For 2014-15 and 15-16, HR 1526, a new forestry bill, is proposed. At this time, it is unsure what that could provide for our district. This funding has not been included in our budget.

- d. FIT Report – Superintendent, business manager, maintenance staff and site administrator examine each and every site and classroom to analyze the facilities. The County Superintendent is accountable to the State to ensure safe and functioning schools.

3. BUSINESS REPORT

Ms. Asquith presented the Board Report-Expenditures by Object 07/01/12 to 9/30/13. There were no comments or questions.

- a. Board Report-Expenditures by Object 07/01/13 to 9/30/13
- b. District Administrative Offices will be closed from December 23, 2013, through January 1, 2014

4. STAFF REPORT

There was no staff report.

5. SPTA REPORT

There was no staff report.

6. BOARD MEMBER'S REPORT

Several Board Members expressed appreciation for those who participated and supported the Sierra Schools Foundation fundraising events: The Golf Tournament, which increased participation and profits from last year's event. The Granfondo cycling event benefited great social capital, despite the wind and rain persisting all day.

It was reported that when the Sierra Schools Foundation Winter Grant Cycle begins in November, teachers can apply for programming grants.

7. PUBLIC COMMENT

President WRIGHT opened the meeting for public comment at 6:31 pm. (In the absence of Mr. Derek Cooper, Administrator, certain school announcements were made at this time.)

Patrick Doyle, Loyalton Elementary School teacher, mentioned that the Grizzly Cub Parents' Club has a bingo night on Nov 15.

"The Shack", a local business in Downieville, will donate .50 per student-read book to the school between now and Christmas.

The annual Fall Festival in Downieville is Oct 26.

There was no comment from the teleconferenced location.

President WRIGHT closed the meeting for public comment at 6:33 pm.

F. CONSENT CALENDAR

The following items were included in the consent calendar:

1. Approval of minutes of the Regular Board meeting held September 10, 2013

2. Approval of bill warrants for month of September 2013
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending September 30, 2013. It is required per Education Code 35186 section (d) that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending September 30, 2013.

MSCU/DRYDEN/HALL

G. ACTION ITEMS

1. NEW BUSINESS

- 1314-035 Adopt Revision to fiscal year 2012-2013 Unaudited Actuals
Rose Asquith, Business Manager, reported a clerical error which, corrected, shows a positive of \$75,000.

MOORE/DRISCOLL

TRUSTEE DRISCOLL AYE

TRUSTEE DRYDEN AYE

TRUSTEE HALL AYE

TRUSTEE MOORE AYE

TRUSTEE WRIGHT AYE

5/0

- 1314-036 Board Bylaw 9320, Meetings And Notices

MSCU/MOORE/HALL

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

MOORE moved to approve items 1314-037 through 1314-045 and 1314-047 through 1314-052. HALL seconded. Motion Passed Unanimously.

- 1314-037 Board Policy 1330, Use of School Facilities, revision

- 1314-038 Administrative Regulation 1330, Use of School Facilities, revision

- 1314-039 Exhibit 1330, Use of School Facilities, revision

- 1314-040 Board Policy 3311, Bids, revision

- 1314-041 Administrative Regulation 3311, Bids, revision

- 1314-042 Board Policy 3350, Travel Expenses, revision

MOORE motioned to approve the above revision with the following changes:

Page 1, Paragraph 5, "...will be claimed, with the exception of Ashland, Oregon, and neighboring cities of the State of Nevada, shall be approved in advance..."

Page 2, Paragraph 7, "...within 30 working days..."
HALL seconded. Motion Passed Unanimously.

- 1314-043 Administrative Regulation 3452, Student Activity Funds, revision
- 1314-044 Administrative Regulation 3542, School Bus Drivers, revision
- 1314-045 Administrative Regulation 4161.11, Industrial Accident/Illness Leave, revision
- 1314-046 ~~Administrative Regulation 4161.8, Family Care and Medical Leave, revision.~~ This item was pulled for further research/review.
- 1314-047 Board Policy 6144, Controversial Issues, revision
- 1314-048 *Delete* Administrative Regulation 6144 Controversial Issues
- 1314-049 Administrative Regulation 6153, School-Sponsored Trips, revision
- 1314-050 Board Policy 6162.6, Use of Copyrighted Materials, revision
- 1314-051 Administrative Regulation 6162.6, Use of Copyrighted Materials, revision
- 1314-052 Board Bylaw 9250, Remuneration, Reimbursement and Other Benefits, revision

H. ADVANCED PLANNING

The next regular meeting of the Board will be held on Tuesday, November 12, 2013, at Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118 at 6:00 pm. Any closed session items will be heard during a scheduled closed session at 5 pm.

Suggested Agenda Items

Negotiations, Closed session, 5 pm
Administrative Regulation 4161.81, Family Law/Medical Leave

I. ADJOURNMENT

Adjourned at 6:44 pm.
MSCU/DRISCOLL/DRYDEN

Patty Hall, Clerk

Merrill M. Grant, Superintendent

Checks Dated 10/01/2013 through 10/31/2013

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
00013803	10/02/2013	CA TRANSITION ALLIANCE	01-5200		250.00
00013804	10/02/2013	CCSESA	01-5200	375.00	
			01-5899	375.00	750.00
00013805	10/02/2013	DELTA SIERRA CASCWA SECTION	01-5200		50.00
00013806	10/02/2013	DON LAPIN, DBA LADUE SYSTEMS	01-5810		4,136.24
00013807	10/02/2013	BARBARA MCKURTIS	01-5100		3,600.00
00013808	10/02/2013	MARLENE MONGOLO	01-4300		42.96
00013809	10/02/2013	NORTHEASTERN JOINT POWERS AUTHORITY	76-9571		4,652.25
00013810	10/02/2013	OFFICE DEPOT	01-4300		431.20
00013811	10/02/2013	QUILL CORPORATION	01-4300		2,645.31
00013812	10/02/2013	SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT	01-5810		7,000.00
00013813	10/02/2013	U.S. BANK	01-5200	404.18	
			01-5899	54.18	458.36
00013814	10/02/2013	ALLEN WRIGHT	01-5200		21.19
00013815	10/16/2013	BETHKE, HEIDI	01-5200		85.00
00013816	10/16/2013	COUSIN'S VIDEO INC	01-4300	44.24	
			Unpaid Sales Tax	2.53-	41.71
00013817	10/16/2013	LIBERTY UTILITIES CPEC	01-5500		192.97
00013818	10/16/2013	BARBARA MCKURTIS	01-5100	2,212.00	
			01-5810	588.00	2,800.00
00013819	10/16/2013	PITNEY BOWES, INC.	01-5600	50.93	
			01-5899	152.78	203.71
00013820	10/16/2013	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	3,158.00	
			76-9576	12,089.10	15,247.10
00013821	10/16/2013	VOYAGER	01-4350	251.72	
			01-5899	82.00	333.72
00013822	10/30/2013	HEIDI BETHKE	01-5200		55.37
00013823	10/30/2013	CCSESA	01-5200		60.00
00013824	10/30/2013	GRIZZLY CUB PARENTS CLUB	01-5810		808.00
00013825	10/30/2013	INLAND SUPPLY	01-4320		68.80
00013826	10/30/2013	BARBARA MCKURTIS	01-5100	2,432.00	
			01-5810	768.00	3,200.00
00013827	10/30/2013	MARLENE MONGOLO	01-5200		30.00
00013828	10/30/2013	MIKE MOORE	01-5200		28.25
00013829	10/30/2013	NEVADA COUNTY SUPERINTENDENT OF SCHOOLS - NCSOS	01-5200		25.00
00013830	10/30/2013	OFFICE DEPOT	01-4300		47.93
00013831	10/30/2013	STARFALL EDUCATION	01-4300		534.13
00013832	10/30/2013	ALLEN WRIGHT	01-5200		6.78
Total Number of Checks				30	47,805.98

Fund Summary

Fund	Description	Check Count	Expensed Amount
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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

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Checks Dated 10/01/2013 through 10/31/2013

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

<u>Fund</u>	<u>Description</u>	<u>Check Count</u>	<u>Expensed Amount</u>
01	County School Service Fund	29	31,067.16
76	Payroll Clearing	2	16,741.35
	Total Number of Checks	30	47,808.51
	Less Unpaid Sales Tax Liability		2.53-
	Net (Check Amount)		47,805.98

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

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**Sierra County Office of Education
Sierra-Plumas Joint Unified School District**

Goals and Areas of Emphasis for 2013/2014 School Year

District, School, and Staff Culture

- Continue to establish a professional, supportive environment for all staff and the Board of Education with new superintendent that permeates all interaction in order to deliver a quality education for our students County-wide.

Management of Operations and Fiscal Services

- Develop a multi-year plan to address and stabilize deficiency of revenue versus expenditures (deficit spending pattern).
- Work with our employee groups to negotiate a fair and reasonable solution to compensation increases.
- Audit all facility needs and maintain positive momentum from the LHS roof project to embellish that site and other facilities in the County.

Community Outreach

- Pursue “win-win” partnerships with Sierra County government agencies and the communities comprising both east and west Sierra County. This can include both facility agreements and services to our students.
- Explore multiple opportunities for our schools to invite parents and other supporters of our students to partner in embellishing the student experience.
- Support the Sierra Schools Foundation as that body continues to grow and establish momentum throughout the County.
- Establish consistent, timely, and cooperative relations with Sierra County media

Educational Program

- Assess our needs around technology both as a teaching tool and increased hardware to better serve students and staff.
- Maintain and implement a plan to address and prepare for Common Core, Smarter-Balanced Assessment, and the teaching methodologies needed to reach our students with these new expectations.
- Utilize Professional Learning Community (PLC) minimum days to drive internal professional development and explore individual professional development plans for each certificated staff member, specifically as it relates to the previous bullet.

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Personal Leaves - Certificated

AR 4161.2

Personnel

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner.

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state or *more than* 300 miles *one way* travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister, foster child, foster parent or legal guardian, or any relative living in the employee's immediate household. (Education Code 44985)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981)

The Board may direct the Superintendent to enlarge the benefits and expand the class of relatives.

Personal Necessity

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity.

Such leaves shall be charged to the employee's sick leave. The use of Personal Necessity Leave will be determined solely by the employee.

The employee shall not be required to secure advance permission for leave taken for any of the following reasons:

1. Death or serious illness of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code

44981)

2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981)

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

The governing board or county superintendent shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters that can be taken care of outside of working hours.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Certificated employees shall be granted leave for jury duty with pay. ~~A Member serving on jury duty or as a witness will be required to deliver to the appropriate office all fees received as a juror or witness, excluding payment for personal expenses while on jury duty or appearing as a witness.~~

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a victim, or child of a registered domestic partner of a victim of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, sick leave, compensatory time

off that is otherwise available to the employee, or unpaid leave. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The supervisor and Superintendent or designee shall keep confidential any records pertaining to the employee's absence from work. (Labor Code 230.2)

Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment to attend to the following activities: (Labor Code 230, 230.1)

~~An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)~~

~~In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)~~

1. *Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child.*
- 1.2 Seek medical attention for injuries caused by domestic violence or sexual assault
2. 3 Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. 4 Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. 5 Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

~~An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230, 230.1)~~

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable time, certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades K-12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards, Committees and State or Employee Organizations

Employees shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education boards, commissions, committees or groups authorized by Education Code 44987.3 or statute, provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is in the state of California.
2. The board, commission, organization or group informs the district in writing of the service.
3. The board, commission, organization or group agrees, prior to service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 44987)

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10.

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take unpaid time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Regulation SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
approved: April 10, 2007 Sierraville, California
revised: April 8, 2008;
revised: April 10, 2012
revised: November 12, 2013

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Personal Leaves - Classified

AR 4261.2

Personnel

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner.

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state or more than 300 miles one way travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 45194)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 45194)

~~At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 45207)~~

Personal Necessity

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 45207)
3. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)

4. *Other reasons that the Governing Board may prescribe (refer to Collective Bargaining Agreement)*

4. ~~To attend to matters related to personal legal counsel or legal services requiring the presence of the classified employee.~~
5. ~~To attend to matters of banking and finance which are impossible to accomplish without the presence of the Employee.~~
6. ~~To attend to the sale or purchase of the personal residence of the classified Employee.~~
7. ~~Other such reasons as may be approved by the Superintendent.~~

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters that can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. *However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.*

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Classified employees called for jury duty shall be granted leave with pay. ~~up to the amount of the difference between his/her regular earnings and any amount received for jury fees.~~ Employee will be required to deliver to the Employer all fees received as a juror, excluding payment for personal expenses while on jury duty. ~~(Education Code 44037)~~

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a

victim, or child of a registered domestic partner of a victim of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, sick leave, unpaid leave, or compensatory time off that is otherwise available to the employee. ~~or unpaid leave.~~ (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The supervisor and Superintendent or designee shall keep confidential any records pertaining to the employee's absence from work. (Labor Code 230.2)

Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment to attend to the following activities: (Labor Code 230, 230.1)

~~An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)~~

~~In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)~~

1. *Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child.*
2. Seek medical attention for injuries caused by domestic violence or sexual assault
2. 3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result

of domestic violence or sexual assault

3. 4. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. 5. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable time, certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades K-12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care

facility activities on a specific date and at a particular time. (Labor Code 230.8)

Employee Organization Activities

Employees may take a leave of absence without loss of compensation, *not to exceed four (4) days in a school year*, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose (Education Code 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three (3) days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The day(s) of absence shall be deducted from an employee's vacation leave, District/County leave day(s), or eligible employees may be granted unpaid leave for religious observances at the discretion of the Superintendent or designee.

~~The employer shall make accommodation to the known religious creed of an employee unless the employer can demonstrate that the accommodation is unreasonable and would cause undue hardship to the operation of the district/county schools.~~

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10.

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take unpaid time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification (Labor Code 1503)

Regulation SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
approved: April 10, 2007 Sierraville, California
revised: April 8, 2008
revised: April 10, 2012
revised: November 12, 2013

This policy was reviewed by Human Resources/Personnell, Account Tech III and the Business Manager. CSBA has provided this policy as conformed to law. No changes were made.

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation Family Care And Medical Leave

AR 4161.8 4261.8,4361.8

Personnel

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

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

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

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

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or other persons; or who is suffering from severe "morning sickness" or needs to take time off for any pregnancy-related condition including, but not limited to, prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, or recovery from childbirth or loss or end of pregnancy. (2 CCR 7291.2)

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following: (Government Code 12945.2; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days

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

Spouse means a partner in marriage as defined in Family Code 300. In addition, for purposes of CFRA, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5, 300; 2 CCR 7297.0; 29 CFR 825.122)

Eligibility

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

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

In addition, the district shall grant any pregnant female employee PDL during pregnancy, when she is disabled by pregnancy, childbirth, or any related medical condition. (Government Code 12945; 2 CCR 7291.4)

Terms of Leave

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

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

In addition, for each pregnancy, a female employee shall be entitled to PDL for the period of the disability not to exceed four months. (Government Code 12945; 2 CCR 7291.9)

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

(Government Code 12945, 12945.2; 2 CCR 7291.13, 7297.6)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (2 CCR 7297.3; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 weeks. This restriction shall apply whether the parents are married, not married, or registered domestic partners. (Government Code 12945.2; 2 CCR 7297.1; 29 USC 2612)

Use/Substitution of Paid Leave

An employee shall substitute his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district for any FMLA or CFRA leave not involving his/her own serious health condition or pregnancy disability. For the employee's PDL or FMLA or CFRA leave due to his/her own serious health condition, the employee shall use accrued sick leave pursuant to the collective bargaining agreement and/or Board policy and may use accrued vacation leave and other paid or unpaid time off at his/her option. (Government Code 12945, 12945.2; 2 CCR 7291.11; 29 USC 2612)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district may limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave, not to be greater than one hour. (2 CCR 7291.9, 7297.3; 29 USC 2612)

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

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

Request for Leave

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

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

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. (2 CCR 7297.4)

When the need for the PDL or family care and medical leave is foreseeable, the employee shall provide the district with at least 30 days advance notice before the leave. The employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 7291.17, 7297.4)

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

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 7297.4; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2613)

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

In addition, at the employee's option, the certification may include a diagnosis identifying the serious health condition. (2 CCR 7297.0)

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

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the

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

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 7291.17)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 7291.17)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 7291.17)

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

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 7291.17; 29 USC 2613)

Fitness for Duty Certification/Release to Return to Work

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

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

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

Rights to Reinstatement

Upon granting an employee's request for PDL or family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 7291.10; 29 USC 2614)

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

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 7291.10)

Maintenance of Benefits/Failure to Return from Leave

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

For up to a maximum of four months for PDL or 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 7291.11; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 7291.11)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a military member is on covered active duty or call to covered active duty status for one or more qualifying exigencies. (29 USC 2612; 29 CFR 825.126)

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

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

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

1. Address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment)
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

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

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

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

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

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

Military Caregiver Leave

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date of leave taken, to an eligible employee to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

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

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

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

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

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

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

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

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

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

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

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

Notifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. **Designation Notice:** When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated,

the reason for that determination. (29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be substituted for unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (29 CFR 825.300)

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

Records

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

Legal Reference:

EDUCATION CODE

44965 Granting of leaves of absence for pregnancy and childbirth

FAMILY CODE

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

300 Validity of marriage

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

12946 Fair Employment and Housing Act: discrimination prohibited

CODE OF REGULATIONS, TITLE 2

7291.2-7291.17 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 1

7 Definition of marriage

UNITED STATES CODE, TITLE 29

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

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

COURT DECISIONS

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

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

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

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

Management Resources:

FEDERAL REGISTER

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

U.S. DEPARTMENT OF LABOR PUBLICATIONS

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

WEB SITES

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

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

Policy

adopted: April 10, 2007

revised: November 12, 2013

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

Sierra County/Sierra-Plumas Joint USD

Students

BP 5141.27(a)

FOOD ALLERGIES/SPECIAL DIETARY NEEDS

The Governing Board desires to prevent students' exposure to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but are not limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5030 - Student Wellness)

(cf. 5141 - Health Care and Emergencies)

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

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

(cf. 5125 - Student Records)

When a student's food allergy or food intolerance substantially limits one or more major life activities, his/her parents/guardians shall be informed of the district's obligation to evaluate the student to determine if he/she requires accommodations pursuant to Section 504 of the federal Rehabilitation Act. The student shall be evaluated in accordance with law and the procedures specified in AR 6164.6 - Identification and Education Under Section 504. If that process results in the development of a Section 504 plan, the district shall provide the accommodations and/or aids and services identified in the plan.

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

If a student's diet restrictions and needed services are addressed in an individualized education program (IEP), the Superintendent or designee shall ensure compliance with the IEP including any necessary food substitutions.

(cf. 6159 - Individualized Education Program)

Students shall not be excluded from school activities nor otherwise discriminated against, harassed, intimidated, or bullied because of their food allergy.

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

(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)

Any complaint of alleged noncompliance with this policy shall be addressed through appropriate district complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3555 - Nutrition Program Compliance)

The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a statement from the student's health care provider

Legal Reference:

EDUCATION CODE

234.1 Prohibition against discrimination, harassment, intimidation, and bullying

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49423 Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

15562 Reimbursement for meals, substitutions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act, including:

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Program

1771-1791 Child nutrition, especially:

1773 School Breakfast Program

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

225.16 Meal programs, individual substitutions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

FOOD ALLERGY RESEARCH AND EDUCATION PUBLICATIONS

School Guidelines for Managing Students with Food Allergies

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies, Inquiry and Analysis, April 2009

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, 2001

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

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

WEB SITES

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he/hn>

Food Allergy Research and Education: <http://www.foodallergy.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

Policy adopted: November 12, 2013

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

Sierra County/Sierra-Plumas Joint USD

Students

AR 5141.27(a)

FOOD ALLERGIES/SPECIAL DIETARY NEEDS

Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Notification by Parent/Guardian

The parents/guardians of any student who has a known food allergy or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. If the student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

Health Plan

Upon receiving notice of a student's food allergy or other special dietary need, the Superintendent or designee shall ensure that a written health plan is developed, in consultation with the student's parents/guardians and health provider, to manage the student's needs while at school or at a school-sponsored activity. The plan shall seek to minimize the student's risk of exposure to the allergen and address actions to be taken if exposure occurs. As appropriate, the plan may include specific food prohibitions and substitutions, an identification of common school rooms where the student may be exposed, staff responsibilities, information and training to be provided to staff, accommodations and services to facilitate the student's participation in the educational program, and medical/emergency protocols.

When a student with a food allergy or other special dietary need has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities

Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program, as appropriate.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

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

Prevention Strategies

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, and/or any other personnel responsible for supervising the student.

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)

2. Food Services

The district's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 that restricts their diet and when a health care provider has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148.2 - Before/After School Programs)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a health care provider. (7 CFR 210.10, 220.8, 225.16)

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a health care provider.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that certain foods not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with fresh cloth or disposable paper towels utilizing cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development may be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Supervision of Students

When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency may provide supervision in the classroom and cafeteria, on the playground, and on field trips or other school activities whenever students known to have a food allergy are present.

(cf. 6153 - School-Sponsored Trips)

7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

(cf. 4119.43 - Universal Precautions)

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

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

(cf. 5141 - Health Care and Emergencies)

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider, and, as appropriate, the student's individualized food allergy plan.

Policy adopted:
November 12, 2013

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

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