

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

January 10, 2017

6:00 pm REGULAR SESSION

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

This meeting will be available for videoconferencing at Downieville School, 130 School St., Downieville, CA 95936

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

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

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

A. CALL TO ORDER

(Please be advised that this meeting will be recorded.)

B. ROLL CALL

C. APPROVAL OF THE AGENDA

D. FLAG SALUTE

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. Sierra Schools Foundation Presentation (15 min)
  - b. Capital Service Region, New Leadership (El Dorado County)
  - c. California Collaborative Education Excellence (CCEE), Early Adopter Professional Learning Network
2. Business Report
  - a. Account Object Summary-Balance through 12/31/16\*\*
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

F. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held December 13, 2016\*\*
2. Approval of Board Report – Checks Dated 08/01/2016 through 12/31/2016\*\*

3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending December 31, 2016. 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 December 31, 2016.

## G. ACTION ITEMS

### 1. Unfinished Business and General Orders

- 1617-65 Second Reading, Board Bylaw 9320, Meetings and Notice\*\* (Backup material: excerpt only) (Grant)

#### 1. New Business

- 1617-66 Acceptance of Fiscal Year 2015-2016 Financial Audit\*\* (Asquith)
- 1617-67 Approval of Revised Job Description No. 214, Business Manager\*\* (Grant)
- 1617-68 Approval of 2015-16 Sierra County Office of Education School Attendance Report Card\*\* (Mongolo)
- 1617-69 Authorization for Superintendent to enter into an agreement with SmartWatt, Inc.\*\*  
BOARD POLICIES AND ADMINISTRATIVE REGULATIONS (President)
- 1617-70 Approval of Administrative Regulation 1340 Access to District Records, revision\*\*
- 1617-71 Approval of Administrative Regulation 3543 Transportation Safety and Emergencies, revision\*\*
- 1617-72 Approval of Administrative Regulation 3550 Food Service/Child Nutrition Program, revision\*\*
- 1617-73 Approval of Board Policy and Administrative Regulation 4030 Nondiscrimination in Employment, revision\*\*
- 1617-74 Approval of Board Policy and Administrative Regulation 4119.11, 4219.11, 4319.11, Sexual Harassment, revision\*\*
- 1617-75 Approval of Board Policy 5030 Student Wellness, revision\*\*
- 1617-76 Approval of Administrative Regulation 5111.1 District Residency, revision\*\*
- 1617-77 Approval of Board Policy 5116.2 Involuntary Student Transfers, new\*\*

ADVANCED PLANNING

1. Next Regular Board Meeting will be held on February 14, 2017, at Downieville School, 130 School St., Downieville, CA 95936, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm

2. Suggested Agenda Items

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

H. ADJOURN



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

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

## Past, Present and Future: A brief update on our impact over the past 5 years, current grants and our promising future.

### Taking Stock

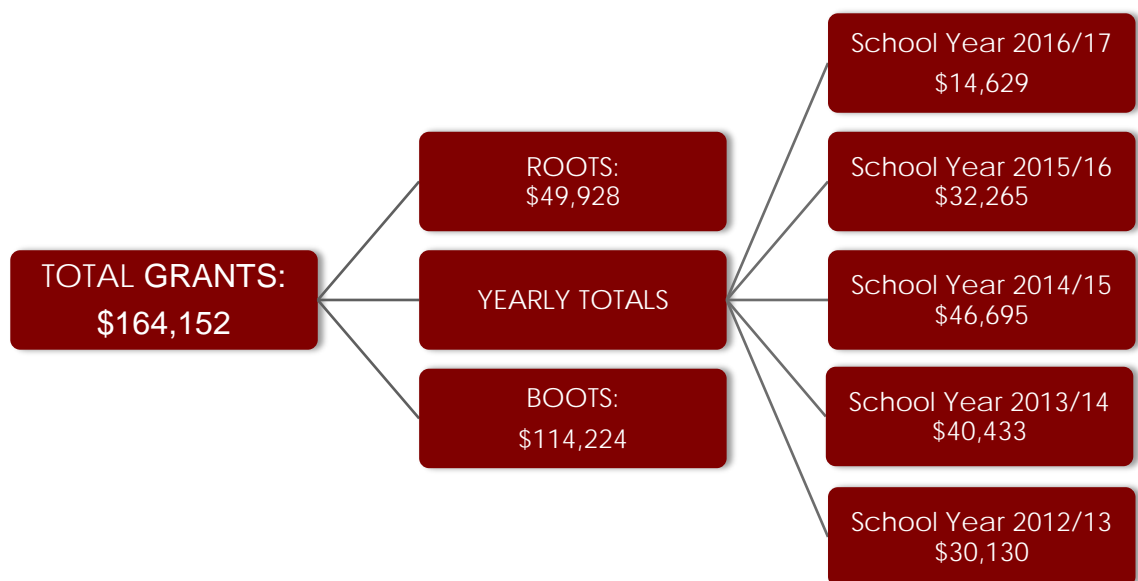
The Sierra Schools Foundation has made great strides since its creation in 2011 to bring educational equity to the students of Sierra-Plumas Joint Unified School District not only in the form of enhancement projects and programs, but also in the creation of solid new curricula. We have seen small projects grow into exciting programming that parents and students look forward to each year.

These projects and programs are not only exciting for students, teachers and parents, but they connect directly with the learning goals of **the Common Core Standards and the Next Generation Science Standards**. These standards are guiding 21<sup>st</sup> Century education and we are proud to put our funds towards strong project and inquiry-based learning.

**Some of those programs include:** The Ceramics Program, Grades 7-12; The Choral Class, Grades 9-12; The Learning Garden Program, Grades K-12; The Filmmaking and Coding Program, Grades 8-12; Mobile STEM Labs, Grades K-8 and The Spring Musical Project, Grades 7-12.

The longevity of these programs is a direct result of the investments made by both the Sierra Schools Foundation *and* the Sierra-Plumas Joint Unified School District. **It's a prime example of how working together exponentially benefits the students of Sierra and Plumas Counties.**

Below you will see the investments made by Sierra Schools Foundation. You can see how much impact we have made with our *Roots and Boots Initiative* through a fiscal lens:



## Current Awarded Grants for Winter 2016

The following is a list of the projects and programs completely or partially in the **Roots** focus area:

**Downieville School, Grades K-12** – Fully funded **\$2,000** for the Downieville Garden's Art-Science Fusion Project. Maire McDermid, Teacher

**Loyalton High School, Grades 9-12** – Fully funded **\$1,433.25** for Northern California Geology Field Trip to Lassen Volcanic National Park and surrounding areas. Jason Adams, Teacher.

**Loyalton Elementary School, Grade 4** – Fully funded **\$1,500 plus up to \$1,000** for transportation costs for the Lava Beds National Monument 2-day field trip. Joanna Haug, Teacher.

**Loyalton High School, Grades 9-12** – Fully funded **\$863** for needed equipment and tools in the Agricultural Classrooms. Cali Griffin, Teacher.

The following is a list of the projects and programs completely or partially funded in the **Boots** focus area:

**Downieville & Loyalton Elementary Schools, Grades K-6** – Fully funded **\$4,000** for the Mobile STEM Labs in the Classroom Project. Andrea Ceresola, Principal.

**Downieville School, Grades 4 -12** – Fully funded **\$2,250** to provide voice, dance and music instruction and support for the 2017 Spring Musical. Lynn Fillo, Teacher.

**Loyalton High School, Grades 7-12** – Fully funded **\$358.00** for a digital microscope with built-in WiFi sharing capability to be used for multiple classes. Jason Adams, Teacher.

**Loyalton Elementary School, Grades K-1** – Fully funded **\$760.00** for the Introducing STEM to the Youngest Years Project. Ann Fisher, Teacher.

**Loyalton Elementary School, Grade 3** – Fully funded **\$465** for University of Nevada Reno Planetarium Field Trip. Erin Folchi, Teacher.

## Moving Forward

As we head into 2017, with almost six years of making such a positive educational difference in the lives of so many young people in Sierra and Plumas Counties, we are looking to the future and the many possibilities to make an even greater impact. However, **in order to make real sustainable change we must begin to think bigger and imagine how we can move our schools from good to great** - to realize educational programming that draws neighboring children to our schools, invigorates a sense of passion for learning, and instills pride in our residents around our public schools.

**Recently**, the Sierra Schools Foundation received a generous donation from an anonymous donor and we are currently discussing as a board how to invest the money to best benefit our schools, teachers and students. **We are reaching out to partners and key stakeholders for feedback.** Please stay tuned for more details and we hope to connect with you to discuss this amazing opportunity for our schools!

Of course, if you have any questions, feel free to contact us at 530-414-3655 or [meganmeschery@gmail.com](mailto:meganmeschery@gmail.com).

Checks Dated 12/01/2016 through 12/31/2016

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00014524	12/09/2016	APEX SAWWORKS	01-4300	SHOP SUPPLIES	1,051.11	
00014525	12/09/2016	ROSE ASQUITH	01-4400	SHOP SUPPLIES	547.38	1,598.49
			01-5200	PER DIEM	16.16	
			01-5899	PER DIEM	48.48	
00014526	12/09/2016	CSNO STATE CONFERENCE	01-5200	REGISTRATION		64.64
00014527	12/09/2016	MERRILL GRANT	01-5200	PER DIEM/MILEAGE		185.00
00014528	12/09/2016	JANIS HARDEMAN	01-5810	NURSE SERVICES		509.08
00014529	12/09/2016	JANE V. LEE, M.A., LMFT	01-5810	COUNSELING SERVICES		2,750.00
00014530	12/09/2016	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		960.00
00014531	12/09/2016	MARY LOWE, MFT	01-5810	COUNSELING SERVICES		184.66
00014532	12/09/2016	BARBARA MCKURTIS	01-5100	CONTRACTED CONSULTANT AGREEMENT	1,440.31	2,320.00
00014533	12/09/2016	MARLENE MONGOLO	01-5810	CONTRACTED CONSULTANT AGREEMENT	4,821.89	6,262.20
00014534	12/09/2016	NASCO - MODESTO	01-5200	HOTEL REIMBURSEMENT		205.50
00014535	12/09/2016	PRO-ED	01-4300	CLASSROOM SUPPLIES		1,069.63
			01-4300	RECORD FORMS	47.00	
00014536	12/09/2016	PROMEVO, LLC	01-4400	CHROMEBOOKS		44.00
00014537	12/09/2016	RAY MORGAN COMPANY	01-5600	COPIER REPAIR	3.00-	2,101.98
00014538	12/09/2016	SCHOOL SPECIALITY, INC	01-4300	INSTRUCTIONAL SUPPLIES		35.00
00014539	12/09/2016	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		148.16
00014540	12/09/2016	SIERRA VALLEY HOME CENTER	01-4300	MISC. SHOP SUPPLIES		111.60
00014541	12/09/2016	SUPER DUPEP PUBLICATION	01-4300	CLASSROOM SUPPLIES	224.68	111.82
				Unpaid Sales Tax		44.00
00014542	12/09/2016	U.S. BANK	01-4300	INSTRUCTIONAL SUPPLIES	15.68-	209.00
				OFFICE SUPPLIES	290.03	
				PEN MAKING KITS	81.38	
				SUPT. TRAVEL EXPENSES	53.90	
				MAGAZINES	1,198.11	
00014543	12/09/2016	VOYAGER	01-5200	SUPT. TRAVEL EXPENSES	31.00	2,284.54
			01-5899	FUEL EXPENSE	630.12	
			01-5200	FUEL EXPENSE	20.92	
			01-5200	FUEL EXPENSE	23.90	
			01-5899	FUEL EXPENSE	53.45	
00014544	12/09/2016	ALLEN WRIGHT	01-5200	PER DIEM		98.27
00014545	12/09/2016	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	DEC 16 HEALTH INSURANCE	1,873.00	20.25
			76-9576	DEC 16 HEALTH INSURANCE	15,898.00	17,771.00

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

ESCAPE ONLINE

Checks Dated 12/01/2016 through 12/31/2016

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
Total Number of Checks					22	39,044.82

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	22	23,165.50
76	Payroll Clearing	1	15,898.00
Total Number of Checks		22	39,063.50
Less Unpaid Sales Tax Liability			18.68
Net (Check Amount)			39,044.82

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.

MINUTES OF THE REGULAR MEEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION  
December 13, 2016  
Downieville School, 130 School St., Downieville, CA 95936  
ANNUAL ORGANIZATIONAL MEETING following the  
Oath of Office and Organizational Meeting

6 pm - Regular Session

A. CALL TO ORDER

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

B. ROLL CALL

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

ABSENT: Mr. Tim Driscoll, Member

VACANT: None

C. APPROVAL OF THE AGENDA  
DRYDEN/MOORE

D. FLAG SALUTE

E. RECESS TO THE SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING  
BOARD MEETING

F. RECONVENE at 6:31 pm

ANNUAL ORGANIZATIONAL MEETING  
BOARD ORGANIZATION

1. Election of Officers for 2017
  - a. President  
WRIGHT nominated DRYDEN. Hall seconded.  
4/0  
1 Absent
  - b. Vice-President  
DRYDEN nominated WRIGHT. HALL seconded.  
4/0  
1 Absent
  - c. Clerk  
HALL nominated DRISCOLL. DRYDEN seconded.  
4/0  
1 Absent



2. President DRYDEN appointed Dr. Merrill Grant as Secretary of the Board and directed him to inform the appropriate agencies of the Sierra County Board of Education newly appointed officers.
3. Approval of Sierra County Board of Education Meeting Calendar for 2017  
MOORE/HALL  
4/0  
1 absent

G. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. Letter of Resignation from Rose Asquith, Business Manager  
A search will begin for her replacement in January.
  - b. Revised Job Description No. 214, Business Manager  
DRYDEN asked that the word 'Possess' be changed to 'Prefer'.  
MOORE asked that this description be placed on the Board Meeting in January for approval.
  - c. A position of Site Tech for District Office funded by the county will be filled by Adrienne Garza.
  - d. TIPPS-MAPP Update- The board was presented with a flyer containing information for the April training of instructors for foster parent classes.
  - e. The FIT Inspections identified many improvements/repairs. Deferment money can be used to support the facilities' repairs.
2. Business Report
  - a. Account Object Summary-Balances through 11/30/16
  - b. The Sierra County Office of Education will be closed for
    - Winter Break from December 23, 2016, through January 2, 2017.
3. Staff Reports (5 minutes)  
Cali Griffin asked the board to support the National FFA Convention Indianapolis, IN & Washington DC. Jane Roberti spoke in support of the convention and the ag program.
4. SPTA Report (5 minutes)
5. Board Members' Report (5 minutes)
6. Public Comment
  - a. Current location –
  - b. Videoconference location: Jane Roberti spoke on behalf of the FFA advisory committee. She articulated the importance of students attending the national convention including the opportunity to meet other people throughout the state and experiences of personal growth. She stressed that fundraising is crucial.
  - c. Sierra Schools Foundation's most recent newsletter will be mailed soon. The most recent grant cycle closed on Monday with ten compelling applications for review.

H. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held November 8, 2016
2. Approval of Board Report – Checks Dated 11/01/2016 through 11/30/16  
MOORE/HALL  
4/0  
1 Absent

I. ACTION ITEMS

1. New Business

- 1617-55 Adoption of Resolution No. 16-002, Conflict of Interest  
MOORE/HALL  
TRUSTEE DRISCOLL ABSENT  
TRUSTEE DRYDEN AYE  
TRUSTEE HALL AYE  
TRUSTEE MOORE AYE  
TRUSTEE WRIGHT AYE  
4/0  
1 absent
- 1617-56 Adoption of 2016-2017 First Interim Actuals and Criteria & Standards Report as of October 31, 2016  
Ms. Asquith stated that there are not a lot of changes and asked the Board for questions.  
MOORE/HALL  
4/0  
1 Absent
- 1617-57 Approval of California Energy Commission Proposition 39 Program Energy Expenditure Plan Report (SmartWatt)  
WRIGHT/HALL  
4/0  
1 Absent
- 1617-58 First Reading, Board Bylaw 9320, Meetings and Notice, revision  
DRYDEN stated that the commitment of one meeting a month in person is practicable and that it benefits the board to be at school sites.  
Grant explained that it would be on an ‘as needed’ basis for times of stormy weather, road closures, and special meetings that are rudimentary.  
MOORE believes it’s important that the board is present in the communities and does not see a need for it.  
HALL agrees that for special board meetings and/or emergency situations it makes sense to be able to have videoconferencing as a backup plan. She stated that the impact of physical presence during discussions on county/district matters can reflect in the final vote.  
A member of the public whose opinion is highly valued opined that it is a waste to drive over an hour for a simple meeting and that there should be an option.

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

WRIGHT motioned to approve items 1617-59 through and including 1617-64. MOORE seconded.

4/0

1 Absent

- 1617-59 Approval of Board Policy 3541.2, Transportation for Students with Disabilities, revision
- 1617-60 Approval of Administrative Regulation 4217.11, PreRetirement Part-Time Employment
- 1617-61 Approval of Administrative Regulation 5125.3, Challenging Student Records, revision
- 1617-62 Approval of Administrative Regulation 6143, Courses of Study, revision
- 1617-63 Approval of Board Policy, Administrative Regulation and Exhibit (1), (2) 6173, Education for Homeless Children, revision
- 1617-64 Approval of Board Bylaw, Exhibit 9323.2, Actions by the Board, revision

J. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on January 10, 2017, at Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118, beginning with Closed Session, as needed, at 5 pm and the Regular Board Meeting at 6:00 pm
2. Suggested Agenda Items
  - a. Business Manager Job Description revision
  - b. Board Bylaw 9320 regarding videoconferencing
  - c. SMART Watt plan
  - d. Field Trip Request for AG

K. ADJOURN

HALL/MOORE

4/0

1 Absent

The meeting adjourned at 6:57 pm.

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Tim Driscoll, Clerk

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

Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	239,007.00	242,522.00	133,490.22	104,575.50	4,456.28
1120	Certificated Substitutes				2,890.00	2,890.00-
1200	Certificated Pupil Support Ser	63,839.00	63,870.00	36,348.66	24,263.44	3,257.90
1300	Certificated Supervisor Admini	170,833.00	181,424.00	85,974.66	88,128.21	7,321.13
	<b>Total for Object 1000</b>	<b>473,679.00</b>	<b>487,816.00</b>	<b>255,813.54</b>	<b>219,857.15</b>	<b>12,145.31</b>
2100	Instructional Aides' Salaries	91,496.00	88,790.00	49,972.14	39,846.92	1,029.06-
2105	Per Diem - Same Day Travel		51.00		51.00	.00
2120	Classified Substitutes				172.71	172.71-
2200	Classified Support Salaries	22,358.00	22,358.00	6,041.73	5,428.90	10,887.37
2300	Classified Supervisors' Admini	101,356.00	101,237.00	50,317.20	50,497.20	422.60
2400	Clerical Technical Office Staf	131,117.00	131,117.00	66,805.48	64,311.08	.44
2900	Other Classified Salaries	13,638.00	12,099.00		1,967.50	10,131.50
	<b>Total for Object 2000</b>	<b>359,965.00</b>	<b>355,652.00</b>	<b>173,136.55</b>	<b>162,275.31</b>	<b>20,240.14</b>
3101	STRS Certificated Positions	59,287.00	85,572.00	31,841.64	27,158.44	26,571.92
3102	STRS Classified Positions	1,650.00	1,650.00	338.88	225.92	1,085.20
3201	PERS Certificated Positions				40.27	40.27-
3202	PERS Classified Positions	59,611.00	48,933.00	31,008.24	29,250.01	11,325.25-
3301	OASDI Certificated Positions				35.96	35.96-
3302	OASDI Classified Positions	21,633.00	19,118.00	10,219.96	9,716.48	818.44-
3311	Medicare Certificated Position	6,234.00	6,487.00	3,374.70	2,918.20	194.10
3312	Medicare Classified Positions	5,157.00	4,568.00	2,429.18	2,302.15	163.33-
3401	Health & Welfare Benefits Cert	94,367.00	95,177.00	54,748.74	41,458.54	1,030.28-
3402	Health & Welfare Benefits Clas	59,571.00	67,822.00	38,135.10	33,329.92	3,643.02-
3501	SUI Certificated	329.00	243.00	127.92	110.08	5.00
3502	SUI Classified	249.00	165.00	86.50	80.02	1.52-
3601	Workers' Compensation Certific	881.00	16,621.00	8,636.94	7,468.52	515.54
3602	Workers' Compensation Classifi	1,590.00	11,160.00	6,216.89	5,891.52	948.41-
3902	Golden Handshake-Class	6,920.00	34,601.00		13,840.50	20,760.50
	<b>Total for Object 3000</b>	<b>317,479.00</b>	<b>392,117.00</b>	<b>187,164.69</b>	<b>173,826.53</b>	<b>31,125.78</b>
4100	Approved Textbooks Core Curric	410.00	410.00			410.00
4200	Library and Reference Material	444.00	444.00			444.00
4300	Materials and Supplies	23,277.00	34,553.00	1,019.53	14,256.70	19,276.77
4320	Custodial Grounds Supplies	2,972.00	2,972.00			2,972.00
4330	Office Supplies	1,000.00	1,000.00	289.99	279.29	430.72
4350	Vehicle Upkeep	5,500.00	5,500.00	1,985.05	232.58	3,282.37

Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
4400	Noncapitalized Equipment	9,561.00	11,261.00	6,660.70	5,558.58	958,28-
	<b>Total for Object 4000</b>	<b>43,164.00</b>	<b>56,140.00</b>	<b>9,955.27</b>	<b>20,327.15</b>	<b>25,857.88</b>
5100	Subagreements for Services	42,000.00	74,000.00	36,771.75	7,112.45	30,115.80
5200	Travel and Conference	23,280.00	24,220.00	39,475.34	8,428.10	23,683.44-
5300	Dues and Membership	18,370.00	18,983.00	367.50	10,213.00	8,402.50
5400	Insurance	9,300.00	9,300.00		8,191.00	1,109.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	2,084.60	2,006.69	5,108.71
5600	Rentals, Leases, Repairs, Nonc	2,600.00	7,600.00	221.56	350.69	7,027.75
5801	Legal Services	25,500.00	25,500.00	1,000.00		24,500.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	613.00	613.00	100.00		513.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	926.36	573.64	.00
5810	Contracted Services	444,507.00	484,053.00	204,357.61	163,141.27	116,554.12
5899	SPJUSD to Reimburse			2,493.93	1,009.16	3,503.09-
5900	Communications	1,600.00	1,600.00		695.60	904.40
	<b>Total for Object 5000</b>	<b>579,970.00</b>	<b>658,069.00</b>	<b>287,798.65</b>	<b>201,721.60</b>	<b>168,548.75</b>
6200	Building and Improvement of Bu	30,032.00	60,032.00			60,032.00
6400	Equipment	30,300.00	30,300.00			30,300.00
	<b>Total for Object 6000</b>	<b>60,332.00</b>	<b>90,332.00</b>	<b>.00</b>	<b>.00</b>	<b>90,332.00</b>
7141	Tuition, excess cost etc betwe	27,582.00	32,346.00			32,346.00
7310	Direct Support/Indirect Costs	27,582.00	32,346.00			.00
	<b>Total for Object 7000</b>	<b>27,582.00</b>	<b>32,346.00</b>	<b>.00</b>	<b>.00</b>	<b>32,346.00</b>
	<b>Total for Fund 01 and Expense accounts</b>	<b>1,862,171.00</b>	<b>2,072,472.00</b>	<b>913,868.70</b>	<b>778,007.74</b>	<b>380,595.56</b>
<b>Fund 16 - FOREST RES</b>						
7211	Transfers of Pass-through Rev	80,000.00	80,000.00			80,000.00
7619	Other Authorized Interfund Tra	13,360.00	13,360.00			13,360.00
	<b>Total for Fund 16, Expense accounts and Object 7000</b>	<b>93,360.00</b>	<b>93,360.00</b>	<b>.00</b>	<b>.00</b>	<b>93,360.00</b>
	<b>Total for Org 001 - Sierra County Office of Education</b>	<b>1,955,531.00</b>	<b>2,165,832.00</b>	<b>913,868.70</b>	<b>778,007.74</b>	<b>473,955.56</b>

# Sierra County/Sierra-Plumas Joint USD

## Board Bylaw

### Meetings And Notice

BB 9320

\*--- EXCERPT ---\*

#### Teleconferencing

A teleconference is a meeting of the Board linking various locations by electronic means through audio and/or video for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law.

#### Regular Meetings

The Board considers its responsibility to meet, discuss and make decisions on behalf of and for the county/district a high priority and that physical presence at all meetings is beneficial to the outcome.

Members of the Governing Board shall be allowed to participate from the videoconferenced location when all of the following conditions apply:

1. Circumstances have occurred beyond the board member's control
2. The board president or designee confirms that circumstances are beyond the member's control. When both Sierra County Board of Education and Sierra-Plumas Joint Unified School District Governing Board are affected, both presidents must concur.

A board member may attend no more than two regular meetings per calendar year via videoconference. If extenuating circumstances arise (severe illness, disability, etc.), this number may be increased by a unanimous vote of the board.

#### Special or Emergency Meetings

A board member may attend a special board meeting via videoconference when

1. circumstances have occurred beyond the board member's control,
2. the meeting is purported to last less than 1 hour
3. the board member has the unanimous agreement of the board.

A board member may attend any emergency board meeting via videoconference.

All teleconference locations shall be accessible to the public. Agendas shall be posted at all teleconference locations and shall identify all teleconference locations and access codes. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. A quorum is required to participate from locations within the boundaries over which the board has jurisdiction. All votes in a teleconferenced meeting must be by rollcall. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

**BUSINESS MANAGER****POSITION SUMMARY:**

Under the direction of the County and District Superintendent, serves as Business Manager and chief business official of Sierra County Office of Education (SCOE) and the Sierra-Plumas Joint Unified School District (S-PJUSD). The Business Manager plans, organizes, and manages the SCOE and S-PJUSD internal fiscal operations including the analysis, development and implementation of the budgets for both entities. In this capacity, the Business Manager performs complex and technical duties related to business services, works to safeguard public funds, ensures the most effective use of revenue to support and improve the educational programs, responsible for collection and reporting of financial data, and establishes and maintains effective internal accounting procedures. The person in this management position works in a typical office setting and serves as the office manager.

**PRINCIPLE RESPONSIBILITIES:**

In conformance with the philosophy, goals, and objectives of the SCOE and S-PJUSD, business management services are provided to promote the fiscally sound operations of the office. To accomplish these goals and objectives, the Business Manager will, in consultation with the Superintendent:

- Oversee all aspects of developing, monitoring, and reporting the SCOE and S-PJUSD budgets, and make recommendations to the Superintendent and Board
- Work-cooperatively with other administrative staff in the development and control of their respective budgets
- Analyze long range planning as it relates to income, expenditures, program costs, facilities, and general budgeting considerations
- Responsible for proper accounting of all funds and accounts
- Prepare and compile financial statements and budget information and present to Superintendent and Board
- Provide SCOE and S-PJUSD leadership team the expenditure details for the Local Control Accountability Plan (LCAP) goals and actions
- Train, coordinate and assist the business office personnel in the preparation and submission of local, county, state, and federal reports and correspondence
- Develop internal audit procedures and prepare audit records in cooperation with the independent auditors of the SCOE and S-PJUSD; ensure compliance with federal and state regulations on proper accounting methods, practices and applicable fiscal services management
- Supervise the use of requisitions and purchase orders to ensure accountability of expenditures
- Review and approve purchase orders for issuance

- Audit process and monitor account receivables; audit payments for all invoices
- Audit payroll and payroll warrants
- Maintain files for legal documents, audits, reports, and permanent property records
- Maintain oversight of the inventory maintenance of all fixed assets
- Facilitate the construction bid process; ensure facility projects are managed from financing to completion; maintain records, policies, and contracts of property and building facilities
- Supervise deferred maintenance accounting
- Manage statistical files and charts of business services
- Train and supervise business office staff
- Audit cash in County Treasurer funds
- Review average daily attendance reports
- Research and/or assist with grant writing applications
- Oversee Wellness Plan compliance
- Review and edit monthly board of education and governing board agenda and minutes
- Coordinate with Technology Director the acquisition of computers, software, system maintenance and the implementation of systems
- Serve as office manager to plan, organize, assign, review, direct, and evaluate the work of the support staff
- Coordinate legal claims and manage litigation files
- Respond to policy management questions as directed by the District and/or County Superintendent
- Close year-end books
- Attend workshops and conferences related to business operations as approved by the Superintendent
- Maintain oversight of the recruitment, selection and hiring process of all employees
- Serve as SCOE and S-PJUSD representative/delegate on various executive boards and/or committees as assigned by Superintendent
- Provide informational documents to support the Superintendent and SCOE/S-PJUSD team for employee negotiations
- Attend governing board, school, and community meetings as needed or required
- Other duties as delegated by the Superintendent

**QUALIFICATIONS:**

A bachelor's degree in accounting, public or business administration, economics or related field. At least five years increasingly responsible experience in professional budgeting, accounting, auditing, or school business administration. The education requirement can be fulfilled with a combination of experience and college course



work in related subject areas that would lead to the required knowledge, skills and abilities required by the position. Desire Chief Business Official Certification and Certified Public Accountant (CPA) designation.

- Possess a thorough in-depth knowledge of financial planning and governmental budgeting
- Ability to interpret a variety of laws, policies, regulations, procedures, Education Code, Government Code, bargaining agreements, and state and federal regulations
- Possess a thorough knowledge of the business financial operating system
- Knowledge of government purchasing procedures, bidding process, construction/modernization/maintenance project process and California school construction laws, is preferred
- Ability to work independently and exercise a high degree of initiative and independent judgment
- Ability to compose, prepare, and edit all types of communications
- Ability to read and write in the English language
- Ability to establish and maintain effective working relationships with all personnel and public contacts during the course of business
- Ability and skill to supervise subordinate staff
- Ability to plan, organize, and maintain the office as an efficient operation and as a support agency to improve the educational programs of the SCOE and S-PJUSD
- Operate office equipment including facsimile, personal computer, 10-key adding machine, photocopier, shredder and mail machine

**PHYSICAL REQUIREMENTS:**

- This type of work involves sitting most of the time but may include physical abilities such as standing and walking; sitting/squatting, lifting/carrying, reaching/handling, bending/twisting, talking/hearing, near and far visual acuity/depth perception, manual dexterity to operate office equipment and computer.
- Moderate lifting; may assist with lifting 20-30 pounds

First Reading: April 8, 2003; Adopt June 10, 2003

Revision First Reading: December 13, 2016; Adoption: January 10, 2017

## 2016 SARC Input Form

### **THIS IS NOT THE FULL SARC TEMPLATE.**

Please review and update each section of this template for completeness and accuracy. This template is provided as a tool to update your SARC and contains only a list of required reporting components that our team isn't able to retrieve from public sources (i.e., Dataquest). DTS will import publically available data as it becomes available.

This template provides clear, concise guidance in each section to assist you through the update process. You can also click on the section title for any of the sections to review detailed guidance from CDE regarding the reporting requirements for the section being reviewed/updated. A full version of CDE's data elements document can be downloaded by [clicking here](#).

A list of answers to frequently asked questions can be reviewed by [clicking here](#). If, after reading the provided guidance and referring to the frequently asked questions documentation, you find you still need assistance, please feel free to contact the DTS Support Team by [clicking here](#).

### **School Contact Information**

Please review and update the information below as needed. This section should include **current** School Contact Information for your school.

School Information	
<b>School Name</b>	Sierra County Office of Education
<b>Street</b>	109 Beckwith Street
<b>City, State, Zip</b>	Loyalton, CA 96118
<b>Phone Number</b>	530-993-1660
<b>Principal</b>	Dr. Merrill M. Grant
<b>E-mail Address</b>	mgrant@spjUSD.org
<b>School Website</b>	sierracountyofficeofeducation.org
<b>CDS Code</b>	46104620119289

### District Contact Information

Please review and update the information below as needed. This section should include **current** District Contact Information for your district.

District Information	
District Name	Sierra County Office of Education
Street	109 Beckwith Street
City, State, Zip	Loyalton, CA 96118
Phone Number	530-993-1660
Superintendent	Dr. Merrill M. Grant
Web Site	www.sierracountyofficeofeducation.org
E-mail Address	mgrant@spjUSD.org

### School Description and Mission Statement (Most Recent Year)

Please review and update the information below as needed. This section should include information about your school, its programs and its goals. This section should be kept to 2-3 paragraphs.

---

Our mission is to provide a primary education with a goal of all children achieving literacy. We provide children with the tools to encourage their total development, enhance their self-esteem and realize their potential in a safe, secure environment.

Sierra County Office of Education Special Education serves Sierra-Plumas Joint Unified School District students. Please see individual Sierra-Plumas school sites' School Accountability Report Card for more detail.

Sierra County Office of Education students include students who attend school in the State of Nevada and are reported as out-of-state students. Therefore, no data is reflected for those students in this report.

Sierra County student population is fewer than 10, therefore no data is reflected for those students in this report. Students attending Sierra-Plumas Joint Unified School District are listed under the enrollment of their respective schools.

### Opportunities for Parental Involvement (Most Recent Year)

Please review and update the information below as needed. This section should include information on how parents can become involved in school activities, including contact information pertaining to organized opportunities for parent involvement. This section should be kept to 1-2 paragraphs.

---

Sierra County Office of Education welcomes parental involvement. This process is altered each year in accordance with student attendance, parent schedules and district school parent involvement activities. Parents are most involved with their children at their individual sites.

### School Safety Plan (Most Recent Year)

Please review and update the information below as needed. This section should include information about your school's comprehensive safety plan, including the dates on which the safety plan was last reviewed, updated, and discussed with faculty; as well as a brief description of the key elements of the plan (please do not paste your entire safety plan in this field). This section should be kept to 1-2 paragraphs.

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Sierra County Office of Education is situated in a small rural town. Staff members remain vigilant during school breaks and before and after school each day. Being very small and intimate, the staff is very familiar with all of the parents, guardians and other family members of the children. The school building is situated securely between Loyalton Elementary School and the District Office Complex. All visitors are asked to check in at the school office, and regular school volunteers are screened. Our Safety Plan is based on the National Emergency Management System and is reviewed by the Board of Education annually. The plan covers emergency action procedures and general crisis management for potential situations in the classroom, outside the building and while on school buses. The School Safety Plan is reviewed annually by the administrators and the Board of Education. The school runs practice safety drills (fire, earthquake, intruder) several times a year on a surprise basis to monitor the effectiveness of each drill. This includes a week-long safety training for all staff and students.

### School Facility Conditions and Planned Improvements (Most Recent Year)

Please review and update the information below as needed. This section should include information from the most recent Facility Inspection Tool (FIT) data (or equivalent), including:

- Description of the safety, cleanliness, and adequacy of the school facility
- Description of any planned or recently completed facility improvements
- The year and month in which the data were collected
- Description of any needed maintenance to ensure good repair

You can [click here](#) to submit your school's most recent FIT tool in MS Excel format. Please do not submit your FIT tool in any format other than MS Excel.

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**Year and month of the most recent FIT report:** October 2016

This section should be kept to 1-2 paragraphs.

To determine the condition of our facilities, our district performs an annual inspection using the Facilities Inspection Tool, which is issued by the Office of Public School Construction. Base on that survey, we've answered the questions you see on this report. Please note that the information reflects the condition of our building as of the date of the report. Since that time, those conditions may have changed.

**School Facility Good Repair Status (Most Recent Year)**

Please review and update the information below as needed. This section should include information from the most recent Facility Inspection Tool (FIT) data (or equivalent), including:

- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The Overall Rating (bottom row)

**Please ensure that this section correlates accurately to the most recent inspection/FIT report for your school.**

System Inspected	Repair Status (the marks should match your most recent inspection)			Repair Needed and Action Taken or Planned
	Good	Fair	Poor	
<b>Systems:</b> Gas Leaks, Mechanical/HVAC, Sewer	X			
<b>Interior:</b> Interior Surfaces	X			
<b>Cleanliness:</b> Overall Cleanliness, Pest/ Vermin Infestation	X			
<b>Electrical:</b> Electrical	X			
<b>Restrooms/Fountains:</b> Restrooms, Sinks/ Fountains	X			
<b>Safety:</b> Fire Safety, Hazardous Materials	X			
<b>Structural:</b> Structural Damage, Roofs			X	Roof bellows in high winds.
<b>External:</b> Playground/School Grounds, Windows/ Doors/Gates/Fences	X			

System Inspected	Repair Status (the marks should match your most recent inspection)			
	Exemplary	Good	Fair	Poor
<b>Overall Rating</b>		X		

### Teacher Credentials

Please review and update the information below as needed. This section should include the number of teachers that fall into each category listed for the year indicated. As this template is thoroughly reviewed each year, please note that the years listed, 14-15, 15-16 and 16-17, are correct.

Teachers at this School	School			District
	2014-15	2015-16	2016-17	2016-17
<b>With Full Credential</b>	2	2	3	3
<b>Without Full Credential</b> Without a full credential (includes LEA and university internships, pre-internships, emergency or other permits, and waivers)	0	0	0	0
<b>Teaching Outside Subject Area of Competence</b> CDE does not collect data on the number of teachers teaching outside their subject area of competence (with full credential). Teaching outside subject area data should be available in the LEA's personnel office. In most instances, teaching outside subject area is a subset of total teacher misassignments (see data definition for Teacher Misassignments).	0	0	0	0

### Teacher Misassignments and Vacant Teacher Positions

Please review and update the information below as needed. This section should include the number of teachers that fall into each category listed for the year indicated. As this template is thoroughly reviewed each year, please note that the years listed, 14-15, 15-16 and 16-17, are correct.

Indicator	2014-15	2015-16	2016-17
<b>Misassignments of Teachers of English Learners</b> 'Misassignments' refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.	0	0	0
<b>Total Teacher Misassignments</b> 'Misassignments' refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.	0	0	0
<b>Vacant Teacher Positions</b> 'Vacant Teacher Positions' refer to positions not filled by a single designated teacher assigned to teach the entire course at the beginning of the school year or semester.	0	0	0

### Academic Counselors and Other Support Staff (School Year 2015-16)

The data that is currently displayed in this table was carried over from last year's SARC. Please update the FTE for each category as needed. This section should include the number of staff, full time equivalent (FTE), employed at your school that fall into the categories listed.

One Full-Time Equivalent (FTE) equals one staff member working full-time; one FTE could also represent two staff members who each work 50% of full-time.

As this template is thoroughly reviewed each year, please note that the year listed, 15-16, is correct.

<b>Title</b>	<b>Number of FTE Assigned to School</b>	<b>Average Number of Students per Academic Counselor</b>
<b>Academic Counselor</b>	0	0
<b>Counselor (Social/Behavioral or Career Development)</b>	0	♦
<b>Library Media Teacher (Librarian)</b>	0	♦
<b>Library Media Services Staff (paraprofessional)</b>	0	♦
<b>Psychologist</b>	.5	♦
<b>Social Worker</b>	0	♦
<b>Nurse</b>	1.0	♦
<b>Speech/Language/Hearing Specialist</b>	1.0	♦
<b>Resource Specialist (non-teaching)</b>	0	♦
<b>Other</b>	.5	♦

♦ means data is not required. The fields are intentionally not provided.

### Textbooks and Instructional Materials (Most Recent Year)

This section describes 1) whether the textbooks and instructional materials used at the school are from the most recent adoption, 2) whether there are sufficient textbooks and instructional materials for each student 3) and information about the school's use of any supplemental curriculum or non-adopted textbooks or instructional materials.

List all textbooks and instructional materials used in the school in **core subjects** (reading/language arts, math, science, and history-social science), including:

- Year they were adopted
- Whether they were selected from the most recent list of standards-based materials adopted by the State Board of Education (SBE) or local governing board
- Percent of students who lack their own assigned textbooks and/or instructional materials\*
- For kindergarten through grade 8 (K-8), include any supplemental curriculum adopted by local governing board

If an insufficiency exists, the description must identify the percent of students who lack sufficient textbooks and instructional materials. Be sure to use the most recent available data collected by the LEA and note the year and month in which the data were collected.

**Please ensure that this section correlates accurately to most recent adoption of textbooks for your LEA.**

**Year and month in which data were collected:** N/A

This section should be kept to 1-2 paragraphs.

Students use textbooks issued by their school of enrollment. See individual school site sections on Textbooks.

Core Curriculum Area	Textbooks and Instructional Materials/ Year of Adoption	From Most Recent Adoption?	Percent of Students Lacking Own Assigned Copy
Reading/Language Arts			n/a
Mathematics			n/a
Science			n/a
History-Social Science			n/a
Foreign Language			n/a
Health			n/a
Visual and Performing Arts			n/a
Science Laboratory Equipment (grades 9-12 schools only)			n/a



**Expenditures per Pupil and School Site Teacher Salaries (Fiscal Year 2014-15)**

The fields that are, **highlighted yellow**, are populated for you with data provided by CDE (as available).

Percent differences, **highlighted light-blue**, are calculated by this form.

The remaining data was copied over from last year’s SARC and should be reviewed/updated, with data from FY 14-15, as needed.

The most recent data available from CDE is for fiscal year 2014-15. For comparison purposes, data for the same fiscal year is requested from the school.

As this template is thoroughly reviewed each year, please note that the year listed, fiscal year 14-15, is correct.

Level	Expenditures Per Pupil			Average Teacher Salary
	Total	Supplemental/ Restricted Sources	Basic/ Unrestricted Sources	
School Site	n/a	n/a	n/a	n/a
District	♦	♦	n/a	\$58,159
Percent Difference: School Site and District	♦	♦	n/a	n/a
State	♦	♦	\$9,867	\$72,621
Percent Difference: School Site and State	♦	♦	n/a	n/a

♦ means data is not required. The fields are intentionally not provided.

**Supplemental/Restricted** expenditures come from money whose use is controlled by law or by a donor. Money that is designated for specific purposes by the district or governing board is not considered restricted.

**Basic/Unrestricted expenditures** are from money whose use, except for general guidelines, is not controlled by law or by a donor.

**Types of Services Funded (Fiscal Year 2015-16)**

Please review and update the information below as needed. This section should include specific information about the types of programs and services available at the school that support and assists students. For example, this narrative may include information about supplemental educational services related to the school’s federal Program Improvement (PI) status.

As this template is thoroughly reviewed each year, please note that the year listed, fiscal year 15-16, is correct.

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Sierra County Office of Education Special Education serves Sierra-Plumas Joint Unified School District students. Please see Sierra-Plumas school sites School Accountability Report Card for more detail.

### Professional Development (Most Recent Three Years)

Please review and update the information below as needed. This section should include the number of days provided for professional development and continuous professional growth in the most recent three year period. Questions that may also be answered include:

- What are the primary/major areas of focus for staff development and specifically how were they selected? For example, were student achievement data used to determine the need for professional development in reading instruction?
- What are the methods by which professional development is delivered (e.g., after school workshops, conference attendance, individual mentoring, etc.)?
- How are teachers supported during implementation (e.g., through in-class coaching, teacher-principal meetings, student performance data reporting, etc.)?

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In conjunction with Sierra-Plumas Joint Unified School District, a Professional Learning Community (PLC) was implemented and meets approximately 10 afternoons throughout the school year. The primary focus is the utilization of technology in order to increase student achievement.

### **School Completion and Postsecondary Preparation**

**This section applies to schools serving grades 9-12 only.  
If your school does not serve grades 9-12, simply skip and leave this section blank.  
It will not be included in the full SARC.**

### Career Technical Education Programs (School Year 2015-16)

Please review and update the information below as needed. This section should include information about Career Technical Education (CTE) programs at your school including:

- Programs and classes offered that are specifically focused on career preparation and or preparation for work
- How these programs and classes are integrated with academic courses and how they support academic achievement
- How the school addresses the needs of all students in career preparation and/or preparation for work, including needs unique to defined special populations of students
- The measurable outcomes of these programs and classes, and how they are evaluated
- State the primary representative of the district's CTE advisory committee and the industries represented on the committee

As this template is thoroughly reviewed each year, please note that the year listed, 15-16, is correct. This section should be kept to 1-2 paragraphs.

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### Career Technical Education Participation (School Year 2015-16)

Please review and update the information below as needed. This section should include information about the level of participation in Career Technical Education (CTE) programs at your school. Numbers populated were carried over from last year's SARC.

As this template is thoroughly reviewed each year, please note that the year listed, 15-16, is correct.

Measure	CTE Program Participation
<b>Number of pupils participating in CTE</b>	0
<b>% of pupils completing a CTE program and earning a high school diploma</b> The number of pupils that completed a CTE program and graduated ÷ total number of pupils enrolled in a CTE program	0
<b>% of CTE courses sequenced/articulated between the school/institutions of postsecondary education</b> The number of CTE courses that are sequenced or articulated ÷ total number of CTE courses offered at the school	0

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Community Relations AR 1340(a)

### ACCESS TO DISTRICT RECORDS

#### Definitions

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

*(cf. 3580 - District Records)*

*(cf. 9012 - Board Member Electronic Communications)*

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

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

#### Public Records

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

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

*(cf. 3100 - Budget)*

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

2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)

*(cf. 9324 - Minutes and Recordings)*

6. Meeting agendas (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies
8. School-based program plans (Education Code 52850)

(cf. 0420 - School Plans/Site Councils)

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

9. Information and data relevant to the evaluation and modification of district plans

(cf. 0440 - District Technology Plan)

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

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. **Records pertaining to claims and litigation against the district which have been adjudicated or settled** ~~Claims filed against the district and records pertaining to pending litigation (Government Code **6254**, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))~~

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

12. Statements of economic interests required by the Conflict of Interest Code -(Government Code 81008)

(cf. 9270 - Conflict of Interest)

### **13. Documents containing names, salaries, and pension benefits of district employees**

- ~~1314.~~ Employment contracts and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

- ~~1415.~~ Instructional materials including, but not limited to, textbooks (**Education Code 49091.10** ~~64 Ops.Cal.Atty.Gen. 186 (1981)~~)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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

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

### Confidential Public Records

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

1. Preliminary drafts, notes, interagency or intradistrict memoranda ~~which~~ that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure. ~~(Government Code 6254)~~

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops. Cal. Atty. Gen. 235 (1988))
3. Personnel records, medical records, ~~student records~~, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

*(cf. 4112.65/4212.65/4312.65 - Personnel Files5) - Criminal Record Check)*  
*(cf. 4112.626/4212.626/4312.626 - Maintenance of Criminal Offender Records6 - Personnel Files)*

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

- a. To an agent or a family member of the employee

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

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

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

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

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

**4.4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law**

*(cf. 5125 - Student Records)*

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

*(cf. 5125.3 - Challenging Student Records)*

- 4.5.** Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

*(cf. 6162.51 - State Academic Achievement Tests)*

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

- 5.6.** Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

- 6.7.** Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

~~7.~~**8.** Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources, **except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order** (Government Code 6254, 6267)

*(cf. 6163.1 - Library Media Centers)*

~~8.~~**9.** Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

*(cf. 9124 - Attorney)*

~~9.~~**10.** Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

*(cf. 0450 - Comprehensive Safety Plan)*

~~10.~~**11.** Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)

*(cf. 9223 - Filling Vacancies)*

~~11.~~**12.** Minutes of Board meetings held in closed session (Government Code 54957.2)

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

~~12.~~**13.** Computer software developed by the district (Government Code 6254.9)

~~13.~~**14.** Information security records, the disclosure of which would reveal vulnerabilities to, or **otherwise** increase potential for an attack on, the district's information technology system (Government Code 6254.19)

~~14.~~**15.** Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

*(cf. 5141.6 - School Health Services)*

~~15.~~**16.** Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes



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

### **Inspection of Records and Requests for Copies**

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

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

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

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

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

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

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

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

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

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

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

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

### **Assistance in Identifying Requested Records**

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

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified  
  
If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.
2. Describe the information technology and physical location in which the records exist

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

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

Regulation

approved: April 10, 2007

revised: March 13, 2012

revised: January 10, 2017

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

Loyalton, California

Policy Reference UPDATE Service

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations AR 3543

### TRANSPORTATION SAFETY AND EMERGENCIES

**Cautionary Notice:** Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2014 (SB 852/2015 (AB 93, Ch. 2510, Statutes of 2014/2015))~~ **2016 (SB 826, Ch. 23, Statutes of 2016)** extends the suspension of these requirements through the ~~2014-15/2015-16~~ **2016-17** fiscal year. As a result, certain provisions of the following administrative regulation related to ~~the removal of chemicals~~ transportation safety plans and safety instruction for students may be suspended.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment listed **specified** in 13 CCR 1215, ~~including~~ **The report shall indicate** any defect or deficiency discovered by or reported to him/her **the driver** which would affect safe operation or result in mechanical breakdown of the bus, or, ~~indicating that~~ **if** no defect or deficiency was discovered or reported, **shall so indicate**. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

*(cf. 3540 - Transportation)*

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 3542 - School Bus Drivers)*

~~In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)~~  
**[MOVED DOWN]**

~~The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.~~ **[MOVED DOWN]**

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

### Passenger Restraint Systems

Note: Pursuant to Vehicle Code 27316 and 27316.5, any school bus or student activity bus purchased or leased for use in California must be equipped with a passenger restraint system if the bus was manufactured on or after the dates specified in law, as described below. Although it is the manufacturer's responsibility to ensure installation of appropriate passenger restraint systems, the district should be aware that buses manufactured or purchased from outside California may need to be modified to comply with the state's requirements. In addition, according to the California Department of Education's (CDE) Passenger Restraints Frequently Asked Questions, districts may, but are not required to, retrofit older school buses with passenger restraint systems with the original equipment manufacturer's approval. In determining whether to retrofit buses, the CDE recommends that districts consider the age of the bus, the total cost of the retrofit, and the required reinspection of the bus by the California Highway Patrol.

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
  - ~~a.~~ a. Is designed for carrying 16 or fewer passengers and the driver
  - ~~b.~~ b. Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Note: Pursuant to Vehicle Code 27316, no person, district, or organization may be held criminally liable if a passenger improperly uses or fails to use the passenger restraint system. However, the CDE's Passenger Restraints Frequently Asked Questions encourages districts to develop procedures to enforce disciplinary actions for nonuse or improper use of the passenger restraint system.

The following optional paragraph may be expanded to specify the steps that should be taken by the driver to reasonably ensure that all passengers are properly restrained (e.g., verbal instructions to students, visual inspection), which may vary depending on the age/grade levels of the students. Such steps also may be incorporated in district regulations adopted pursuant to 5 CCR 14103 related to student conduct on buses, bus driver authority, and the suspension of riding privileges; see BP/AR 5131.1 - Bus Conduct.

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5144 - Discipline)*

## **Fire Extinguishers**

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

## Electronic Communications Devices

~~A bus driver shall not drive a school bus or student activity bus while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)~~

Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes. Vehicle Code 23123.5, as amended by AB 1785 (Ch. 660, Statutes of 2016), prohibits the driver of a motor vehicle (including a school bus or school activity bus pursuant to Vehicle Code 415 and 545) from using an electronic wireless communications device for any purpose, including, but not limited to, text-based communication, but provides an exception for voice-operated and hands-free operation or for a function that requires only a single swipe or tap of the driver's finger as long as the device is mounted on the windshield, dashboard, or center console of the vehicle. The following paragraph limits the use of any electronic communications device to work-related or emergency purposes. The district should consult legal counsel if it is considering allowing broader use of such devices.

~~A bus driver shall not drive~~ **is prohibited from driving** a school bus or student activity bus while using a wireless telephone ~~except under the following conditions: (Vehicle Code 23123, 23125)~~ **or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125)**

- ~~1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving~~
  - ~~2. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity~~
  - ~~3. For work-related purposes~~
- ~~(cf. 3513.1 Cellular Phone Reimbursement)~~

Note: Vehicle Code 23123.5 generally prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text-based communication. AB 1536 (Ch. 92, Statutes of 2012) amended Vehicle Code 23123.5 to add an exception for the use of voice-operated and hands-free operation of an electronic wireless communications device. At its discretion, the district may establish conditions that are more restrictive than law and should revise the following paragraph accordingly:

~~A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)~~

## Safe Bus Operations

Note: Pursuant to Education Code 39834, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a

misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency; see BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

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

Note: Vehicle Code 34501.6 mandates any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips may discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

### Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

*(cf. 3515.2 - Disruptions)*

### Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall ~~include~~ **address** all of the following: (Education Code 39831.3)

1. ~~Procedures for determining~~ **Determining** if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. ~~Procedures for boarding~~ **Boarding** and exiting a school bus at a school or other trip destination

Note: SB 1072 (Ch. 721, Statutes of 2016) amended Education Code 39831.3 to require that the transportation plan include the procedures specified in items #4-5 below.

#### 4. Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or youth bus

Note: The procedures included in the transportation safety plan to ensure that a student is not left unattended on a bus may include the requirements of Vehicle Code 28160, as added by SB 1072 (Ch. 721, Statutes of 2016). Pursuant to Vehicle Code 28160, on or before the beginning of the 2018-19 school year, each school bus, school activity bus, youth bus, and child care motor vehicle (i.e., vehicle designed, used, or maintained for more than eight

persons, including the driver, that is used by a child care provider to transport children) must be equipped with a "child safety alert system" (i.e., a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle). Student activity buses may be exempt from this requirement if certain procedures are followed, as specified in Vehicle Code 28160.

Such procedures shall include, on or before the beginning of the 2018-19 school year, the installation of a child safety alert system at the interior rear of each bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. A student activity bus may be exempt from this requirement under the conditions specified in Vehicle Code 28160.

**5. Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus**

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol- (CHP). (Education Code 39831.3)

**Parental Notifications**

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a **district** school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. A description of the school bus danger zone
5. Instructions for ~~safety while~~ **safely** walking to and from school bus stops

*(cf. 5145.6 - Parental Notifications)*

**Student Instruction**

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:
  - a. Proper loading and unloading procedures, including escorting by the driver



- b. How to safely cross the street, highway, or private road

c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper

fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use

- d. Proper passenger conduct
- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol.

*(cf. 3580 - District Records)*

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

### **Bus Accidents**

In the event of a school bus accident, the driver shall immediately notify the CHP, and the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a school bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

#### *Legal Reference:*

##### EDUCATION CODE

39830-~~39842~~398423 Transportation, school buses

**39860 Contract for transportation; requirement that student not be left unattended**

51202 Instruction in personal and public health and safety

##### PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

##### VEHICLE CODE

415 Definition of motor vehicle

545-546 Definition of school bus and student activity bus

22112 Loading and unloading passengers

~~23123 Use of wireless telephone prohibited while driving motor vehicle~~

23123.5 ~~Text communications prohibited while driving motor vehicle~~ **Use of wireless telephone or communications device while driving; exceptions**

23125 Use of wireless telephone prohibited while driving school bus

27316-27316.5 Passenger restraint systems

##### **28160 Child safety alert system**

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses

34501.6 School buses; reduced visibility

34508 California Highway Patrol responsibility to adopt rules re: equipment and **bus** operations ~~of school buses~~

##### CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

##### CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

2480 Airborne toxic control measure; limitation on bus idling

##### CODE OF REGULATIONS, TITLE 19

574-575.3 Inspection and maintenance of fire extinguishers

##### CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Passenger Restraints Frequently Asked Questions**

**WEB SITES**

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

**American School Bus Council: <http://www.americanschoolbuscouncil.org>**

California Association of School Transportation Officials: <http://www.castoways.org>

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tm>

California Highway Patrol: <http://www.chp.ca.gov>

**National Coalition for School Bus Safety: <http://www.ncsbs.org>**

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>

Regulation

approved: November 12, 2014

revised: January 10, 2017

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

**Policy Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Food Service/Child Nutrition Program

AR 3550

#### Business and Noninstructional Operations

Nutrition Standards for School Meals

~~Meals or food items provided through the district's food services program shall: (Education Code 49430, 49430.5, 49430.7, 49550, 49553; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)~~

\*\*\*Note: Education Code 49550 requires all schools to provide at least one nutritionally adequate meal each school day to students who meet federal eligibility criteria for free and reduced-price meals, regardless of whether the school receives reimbursements through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and/or State Meal Program (Education Code 49490-49494) or receives no funding support for school meals; see BP/AR 3553 - Free and Reduced Price Meals. Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations. Schools participating in the National School Lunch and/or Breakfast Program must extend meal service to all students enrolled in the school.\*\*\*

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49531, 49553; 42 USC 1758, 1773)

1. Comply with ~~the~~ National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, ~~or the state's menu planning options of Shaping Health as Partners in Education~~ as applicable

\*\*\*Note: Item #2 below reflects an additional requirement for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement and (2) districts participating in the State Meal Program. Pursuant to Education Code 49430.7, such districts may not provide foods that are deep fried, par fried, or flash fried. Other districts may delete or use this item at their discretion.\*\*\*

\*\*\*Note: In addition, Education Code 49430.7 requires that foods provided by such districts not contain artificial trans fat. 7 CFR 210.10 and 220.8, as amended by 77 Fed. Reg. 17, added the same requirement to the nutrition standards for the National School Lunch and Breakfast Programs applicable to all districts; thus, the prohibition against trans fat is covered by item #1 above.\*\*\*

2. Not be deep fried, par fried, or flash fried ~~by the district or school or as part of the manufacturing process~~

~~3. Not contain artificial trans fat,~~ as defined in Education Code 49430 and 49430.7

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

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

### Nutrition Standards for Foods and Beverages Sold Outside the Reimbursable Meal Programs

~~Any foods or beverages that are not sold as part of the National School Lunch or Breakfast Program shall be sold to students only if they meet the nutrition standards specified in Education Code 49430-49431.7 and 5 CCR 15575-15578.~~

### Drinking Water

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

### Special Milk Program

\*\*\*Note: The following section is optional. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.1 and 215.7, districts may choose to provide milk at no charge to students who qualify for free and reduced-price meals; see BP 3553 - Free and Reduced Price Meals.\*\*\*

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

### Food Safety

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

\*\*\*Note: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 requires such districts to implement a food safety program applicable to any facility or part of a facility in which food is stored, prepared, or served. Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, the food safety program must comply with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in the USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles.\*\*\*

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point

(HACCP) system. The district's HACCP plan shall include, but ~~is~~ ~~not~~ ~~be~~ limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. ~~Any~~Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

(cf. 4231 - Staff Development)

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

#### Inspection of Food Facilities

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Regulation

approved: April 10, 2007

revised: June 14, 2011

revised: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

All Personnel

BP 4030

### NONDISCRIMINATION IN EMPLOYMENT

Note: The following Board policy and accompanying administrative regulation are **mandated** pursuant to Government Code 11138 and 2 CCR 11023, as added by Register 2015, No. 50. The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits employers from discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, sex, sexual orientation, gender, gender identity, gender expression, religious creed, physical or mental disability, medical condition, marital status, or genetic information. Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, these same protections apply to unpaid interns and volunteers. Consequently, the district is required to also notify unpaid interns and volunteers about these protections. For more information about volunteers, see BP/AR 1240 - Volunteer Assistance.

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

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

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

*(cf. 1240 - Volunteer Assistance)*

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

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

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

Note: The following paragraph illustrates unlawful discriminatory practices as specified in Government Code 12940. Pursuant to Labor Code 1197.5, an employer is prohibited from paying an employee at wage rates less than the rates to employees of the opposite sex for work requiring equal skill, effort, and responsibility and performed under similar conditions, except when the payment is based on some other

bona fide factor such as education, training, or experience. In addition, Labor Code 1197.5, as amended by SB 1063 (Ch. 866, Statutes of 2016), prohibits the payment of different wage rates to employees for similar work based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception.

The Board also prohibits discrimination against any employee or job applicant ~~in compensation~~. Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. ~~and the taking~~ Taking of any an adverse employment action, including, but not limited to, such as termination or the denial of employment, promotion, job assignment, or training, ~~against an employee or job applicant based on any of the categories listed above.~~

*(cf. 4151/4251/4351 - Employee Compensation)*  
*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

3. ~~Harassment consists of u~~ Unwelcome conduct, whether verbal, physical, or visual, ~~conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it as to adversely affects an individual's~~ employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance; or ~~creates~~ ing an intimidating, hostile, or offensive work environment

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

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. ~~Prohibited s~~ Sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

*(cf. 4033 - Lactation Accommodation)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

- b. ~~Prohibited discrimination on the basis of religious creed includes~~ Religious creed discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. ~~In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes~~ or based on the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the



individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.

~~Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.~~

- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity**

*(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)*

- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition**

*(cf. 4032 - Reasonable Accommodation)*

Note: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940, as amended by AB 987 (Ch. 122, Statutes of 2015), provides that an employee or job applicant who requests accommodation for his/her physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics and has modified the policy accordingly.

In Thompson v. North American Stainless LP, the U.S. Supreme Court held that a third party may file an anti-retaliation suit.

~~Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.~~

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

The following position is designated as Site Administrator for Nondiscrimination in Employment:

Sierra-Plumas Joint Unified School District Superintendent or Designee  
109 Beckwith Road  
Loyalton, CA 96118

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

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

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

Note: Government Code 12940 requires districts to take all reasonable steps, including training, to prevent prohibited discrimination and harassment. In addition, 2 CCR 11023, as added by Register 2015, No. 15, imposes an affirmative duty on the district to create a workplace environment that is free from all prohibited practices. The U.S. Equal Employment Opportunity Commission, in its April 2006 New Compliance Manual Section 15: Race and Color Discrimination, suggests proactive preventive measures for employers, including the adoption of transparent recruitment, hiring, and promotion processes; provision of training to employees; and periodic review of employment practices. For details of such measures, see the accompanying administrative regulation.

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

**In addition, the Superintendent or designee shall post in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.**

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 *Fair Employment and Housing Act*  
PENAL CODE  
 422.56 *Definitions, hate crimes*  
CODE OF REGULATIONS, TITLE 2  
11006-11086 Discrimination in employment  
11013 Recordkeeping  
 11019 *Terms, conditions and privileges of employment*  
11023 Harassment and discrimination prevention and correction  
11024 Sexual harassment training and education  
CODE OF REGULATIONS, TITLE 5  
 4900-4965 *Nondiscrimination in elementary and secondary education programs*  
UNITED STATES CODE, TITLE 20  
 1681-1688 *Title IX of the Education Amendments of 1972*  
UNITED STATES CODE, TITLE 29  
 621-634 *Age Discrimination in Employment Act*  
 794 *Section 504 of the Rehabilitation Act of 1973*  
UNITED STATES CODE, TITLE 42  
 2000d-2000d-7 *Title VI, Civil Rights Act of 1964, as amended*  
 2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*  
 2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*  
 2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*  
 6101-6107 *Age discrimination in federally assisted programs*  
 12101-12213 *Americans with Disabilities Act*  
CODE OF FEDERAL REGULATIONS, TITLE 28  
 35.101-35.190 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34  
 100.6 *Compliance information*  
 104.7 *Designation of responsible employee for Section 504*  
 104.8 *Notice*  
 106.8 *Designation of responsible employee and adoption of grievance procedures*  
 106.9 *Dissemination of policy*  
 110.1-110.39 *Nondiscrimination on the basis of age*  
COURT DECISIONS  
*Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863*  
*Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837*

*Management Resources:*

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS  
*California Law Prohibits Workplace Discrimination and Harassment, December 2014*  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
*Notice of Non-Discrimination, August 2010*  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS  
*Questions and Answers: Religious Discrimination in the Workplace, 2008*  
*New Compliance Manual Section 15: Race and Color Discrimination, April 2006*  
*Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999*  
WEB SITES  
*California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>*  
*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*  
*U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>*

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

Regulation

approved: April 10, 2007  
 revised: June 12, 2012  
 revised: May 14, 2013  
 revised: February 9, 2016  
 minor revision: June 14, 2016  
 revised: January 10, 2017

Sierraville, California  
 Loyalton, California

Policy Reference UPDATE Service

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

All Personnel

AR 4030

### NONDISCRIMINATION IN EMPLOYMENT

Note: Pursuant to Government Code 11138 and 2 CCR 11023, as added by Register 2015, No. 50, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, it is unlawful to discriminate against any person who serves in an unpaid internship or other limited-duration program to gain unpaid work experience, on any basis protected by Government Code 12940.

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

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

Personnel Technician  
109 Beckwith Road  
P. O. Box 955  
Loyalton, CA 96118  
530-993-1660 Ext. \*842

### Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, as added by Register 2015, No. 50, **the district is required** requires districts to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023, as added, specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated. The following section reflects "best practices" for preventing unlawful harassment or discrimination, as identified in the California Department of Fair

~~Employment and Housing (DFEH) and the U.S. Equal Employment Opportunity Commission (EEOC) informational publications. Examples of such publications are the DFEH's California Law Prohibits Workplace Discrimination and Harassment and the EEOC's New Compliance Manual Section 15: Race and Color Discrimination. Districts should investigate these and other relevant publications and determine which practices to adopt.~~

To prevent unlawful discrimination, harassment, and retaliation ~~against district employees, volunteers, interns, and job applicants~~ **in district employment**, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the ~~superintendent's~~**coordinator's** contact information, ~~to employees, volunteers, interns, job applicants, and the general public by:~~ (5 CCR 4960; 34 CFR 100.6, 106.9)
  - ~~a.~~ **a.** Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - ~~b.~~ **b.** Posting them in all district schools and offices, including staff lounges and other prominent locations
  - ~~c.~~ **e.** Posting them on the district's web site and providing easy access to them through district-supported social media, when available

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

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

2. **Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)**
  - a. Printing and providing a copy of the policy to all employees with an acknowledgment form for each employee to sign and return**
  - b. Sending the policy via email with an acknowledgment return form**
  - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies**
  - d. Discussing district policy with employees upon hire and/or during a new hire orientation session**
  - e. Any other way that ensures employees receive and understand the policy**

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

- 23.** Provide to employees handouts that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to

anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

**34**

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

**Note: Pursuant to 2 CCR 11023, as added by Register 2015, No. 50, if the district has 50 or more employees, its sexual harassment prevention training must include instruction for its supervisors as specified in the following paragraph.**

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

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- 445.** Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

- 6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce**

## Complaint Procedure

**Note: 34 CFR 106.8 and 110.25 mandate any district that receives federal financial assistance to adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging discrimination on the basis of sex or age 2 CCR 11023, as added by Register 2015, No. 50, mandates that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.**

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

(5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with the EEOC or the DFEH.

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

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

Any complaint ~~by an employee or job applicant~~ alleging **unlawful** discrimination or harassment shall be addressed in accordance with the following procedures:

**1. Notice and Receipt of Complaint:** ~~A complainant who is an employee shall~~ **may** inform his/her **direct** supervisor. ~~However, if the supervisor is the person against whom the employee is complaining, the employee shall inform, another supervisor, the coordinator, or the Superintendent. A job applicant shall inform the coordinator or the Superintendent or designee.~~

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

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

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

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

*(cf. 4032 - Reasonable Accommodation)*

~~*(cf. 1119.11/4219.11/4319.11 - Sexual Harassment)*~~

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

The superintendent shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The superintendent shall inform the complainant that the **allegations investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the**

**investigation** will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

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

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

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

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

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

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, ~~correct the effect on~~ **provide appropriate options for remedial actions and resolutions for** the complainant, and ensure that retaliation or further discrimination or harassment ~~does not occur~~ **is prevented**.

The report shall be presented to the complainant, the person accused, and the Superintendent and coordinator.

4. **Appeal to the Governing Board of Education:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the superintendent's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days



(cf. 1312.1 - Complaints Concerning District Employees)  
 (cf. 9321 - Closed Session Purposes and Agendas)

## Other Remedies

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

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

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

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

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

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

Regulation

approved: April 10, 2007

revised: February 9, 2016

revised: January 10, 2017

**Policy Reference UPDATE Service**

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

All Personnel

BP 4119.11

4219.11

SEXUAL HARASSMENT

4319.11

Note: Education Code 231.5 **mandates** the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. **Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.**

Sexual harassment ~~may be a violation of~~ **is prohibited pursuant to** Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (42 USC 2000h-2-2000h-6), as well as the California Fair Employment and Housing Act, Government Code 12900-12996.

~~Government Code 12940 and 34 CFR 106.9 extend protection against sexual harassment to job applicants. In addition,~~ Pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The Governing Board of Education prohibits sexual harassment of district employees ~~and job applicants~~. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. **This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.**

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

(cf. 4030 - Nondiscrimination in Employment)

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined ways in which measures that may enable employers may be able to reduce damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing their policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The United States U.S. Supreme Court has held, in Burlington Industries v. Ellerth, that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that: (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

Pursuant to Government Code 12950.1, employers with 50 or more employees are required to provide two hours of sexual harassment training to supervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (~~5 CCR 4964~~ **2 CCR 11023**)

Note: Because an employee's (especially a supervisor's) knowledge or notice of sexual harassment may subject the district to liability, it is recommended that the district require its employees with knowledge or notice of sexual harassment to report the harassment to the appropriate authorities. Pursuant to 2 CCR 11034, as amended by Register 2015, No. 50, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023, as amended by Register 2015, No. 50, to instruct supervisors to report complaints.

Any district employee ~~or job applicant~~ who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, ~~a job applicant or a student~~, shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment ~~against a district employee, job applicant, or student~~ is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

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

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

*Legal Reference:*EDUCATION CODE200-262.4 *Prohibition of discrimination on the basis of sex*GOVERNMENT CODE12900-12996 *Fair Employment and Housing Act, especially:*12940 *Prohibited discrimination*12950.1 *Sexual harassment training*LABOR CODE1101 *Political activities of employees*1102.1 *Discrimination: sexual orientation*CODE OF REGULATIONS, TITLE 27287.8 *Retaliation*7288.0 *Sexual harassment training and education*11009 Employment discrimination11021 Retaliation11023 Harassment and discrimination prevention and correction11024 Sexual harassment training and education11034 Terms, conditions, and privileges of employmentCODE OF REGULATIONS, TITLE 54900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*UNITED STATES CODE, TITLE 422000d-2000d-7 *Title VI, Civil Rights Act of 1964*2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*CODE OF FEDERAL REGULATIONS, TITLE 34106.9 *Dissemination of policy*COURT DECISIONS*Department of Health Services v. Superior Court of California*, (2003) 31 Cal.4<sup>th</sup> 1026*Faragher v. City of Boca Raton*, (1998) 118 S.Ct. 2275*Burlington Industries v. Ellreth*, (1998) 118 S.Ct. 2257*Gebser v. Lago Vista Independent School District*, (1998) 118 S.Ct. 1989*Oncala v. Sundowner Offshore Serv. Inc.*, (1998) 118 S.Ct. 998*Meritor Savings Bank, FSB v. Vinson et al.*, (1986) 447 U.S. 57*Management Resources:*OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL*Protecting Students from Harassment and Hate Crime*, January, 1999WEB SITESCalifornia Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>Equal Employment Opportunity Commission: <http://www.eeoc.gov>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

## Regulation

approved: April 10, 2007

revised: November 10, 2015

revised: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

<u>All Personnel</u>	AR 4119.11
	4219.11
<u>SEXUAL HARASSMENT</u>	4319.11

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment **by and of** employees. Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

The focus of this administrative regulation is on sexual harassment of employees. For information related to the sexual harassment ~~of~~ involving students, see BP/AR 5145.7 - Sexual Harassment.

**This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.**

### Definitions

Note: In *Oncale v. Sundowner Offshore Services, Inc.*, the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

*Prohibited sexual harassment* includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; ~~5 CCR 4916~~ **2 CCR 11034**)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such ~~the~~ **the individual** conduct by ~~the individual~~ is used as the basis for an employment decision affecting ~~him/her~~ **the individual**.
- ~~4.3.~~ **Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her the individual regarding benefits, services, honors, programs, or activities available at or through the district.**

Note: Pursuant to Government Code 12940, conduct **may meet the definition of sexual harassment** specified in item #3 below constitutes sexual harassment if it is sufficiently severe, pervasive, or offensive to create a hostile or abusive work environment for the victim, regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.

3. ~~The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.~~ **Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.**

~~4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.~~

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

~~Other examples~~ **Examples** of actions that might constitute sexual harassment **in the work or educational setting**, whether committed by a supervisor, a co-worker, or a non-employee, ~~in the work or educational setting~~ include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

## **Training**

Note: The following ~~optional~~ paragraph is consistent with a district's ~~obligation~~ **affirmative duty** to protect its employees from **sex discrimination, including** sexual harassment, **pursuant to 2 CCR 11023, as added by Register 2015, No. 50.** and may be modified to reflect district practice. Although training is not legally required for all employees, Government Code 12940 requires districts to take reasonable steps to prevent harassment. In addition, since the language of BP/AR 5145.7 - Sexual Harassment requires employees to report sexual harassment against students, training such employees to recognize **and address** sexual harassment ~~and address reports of~~ incidents furthers the district's interest in protecting both employees and students against

prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. ~~Such~~ **The** training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. ~~4031—Complaints Concerning Discrimination~~ **4030 - Nondiscrimination in Employment**)

(cf. 5145.7 - Sexual Harassment)

**Note: The remainder of this section is for use by districts with 50 or more employees.** Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. **Additionally, provision of supervisor training may be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940.**

Government Code 12950.1 requires such districts to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. Districts with fewer than 50 employees may delete or modify the remainder of this section to reflect district practice.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the ~~new~~ position. (Government Code 12950.1)

A *supervisory employee* is any employee ~~with~~ **having** the authority, **in the interest of the district,** to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, ~~or to effectively recommend such action~~ **the responsibility to direct them, adjust their grievances, or to effectively recommend such action, when the exercise of the authority is**

**not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)**

*(cf. 4300 - Administrative and Supervisory Personnel)*

Note: Government Code 12950.1 and 2 CCR ~~11023-11024~~, as amended and renumbered by Register 2015, No. 50, require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

The district's sexual harassment training and education program for supervisory employees shall include the provision of: ~~(Government Code 12950.1; 2 CCR 11023-~~**be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 1102311024)**

1. Information and practical guidance regarding federal and state ~~laws on the prohibition, against and the prevention, and correction of sexual harassment, and the remedies available to the victims of sexual harassment~~ **in employment, victims in employment-civil actions, and potential district and/or individual exposure or liability**
2. ~~Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.~~**retaliationThe types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources**
3. ~~A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance~~
- 43. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment**
- 4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint**
- 5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed**



~~4.6.~~ A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

~~3.7.~~ A component on **The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance**

~~5.~~ ~~All other contents of mandated training specified in 2 CCR 11023~~

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR ~~11023~~ **11024**)

### Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 110234 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop posters and information sheets on employment discrimination and the illegality of sexual harassment. These documents are available on DFEH's web site.

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation

approved: April 10, 2007

revised: November 10, 2015

revised: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
SIERRA COUNTY OFFICE OF EDUCATION  
Sierraville, California  
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**Policy Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Students \_\_\_\_\_ BP 5030(a)

### STUDENT WELLNESS

Note: The Healthy, Hunger-Free Kids Act of 2010 (42 USC 1758b) mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966 (42 USC 1771-17943), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3552 - Summer Meal Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Although the Governing Board has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, the U.S. Department of Agriculture (USDA) is required to develop regulations 7 CFR 210.30, as added by 81 Fed. Reg. 50151, that provides a framework and guidelines to assist districts in establishing their student wellness policies, including minimum content requirements, assurance of stakeholder participation in the development and updates, and periodic assessment and disclosure of compliance with the district's wellness policy, and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently tThe U.S. Department of Agriculture (USDA) and Centers for Disease Control and Prevention (CDC) provide resources and implementation tools on their web sites. In addition, CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.

The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

**The Governing Board** recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. –The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee may develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

- (cf. 1020 - Youth Services)
- (cf. 3513.3 - Tobacco-Free Schools)
- (cf. 3514 - Environmental Safety)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5131.61 - Drug Testing)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)  
 (cf. 5141.32 - Health Screening for School Entry)  
 (cf. 5141.6 - School Health Services)  
 (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)  
 (cf. 6164.2 - Guidance/Counseling Services)

### School Health Wellness Council/Committee

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, requires that districts permit specified stakeholders ~~be permitted~~ to participate in the development, implementation, and periodic review and update of the district's wellness policy. One method to achieve continuing involvement of those groups and other key stakeholders ~~is could be~~ through the creation of a school wellness health council, as recommended in the CDE's Health Framework for California Public Schools. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness health council or other district committee, ~~whose membership shall include representatives of these groups.~~ and a wellness council coordinator. The council may include representatives of the groups listed above, as well as He/she also may invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)  
 (cf. 9140 - Board Representatives)

### The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The school health wellness council/~~committee~~ shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/~~committee~~ may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

### Goals for Nutrition, Physical Activity, and Other Wellness Activities

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, mandates that the district's wellness policy include goals for the activities specified below.

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. ~~(42 USC 1758b)~~ In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.30)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The district's physical education programs and any nutrition program shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)  
 (cf. 6142.7 - Physical Education and Activity)  
 (cf. 6142.8 - Comprehensive Health Education)  
 (cf. 6143 - Courses of Study)

Any nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)  
 (cf. 6177 - Summer Learning Programs)

~~To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.~~

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)  
 (cf. 6145 - Extracurricular and Cocurricular Activities)  
 (cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

Professional development ~~shall~~ **may** be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, ~~and~~ physical education teachers, coaches, activity supervisors, ~~food services staff,~~ and other staff as appropriate to enhance their ~~health~~ knowledge and skills related to student health and wellness.

(cf. 4131 - Staff Development)  
 (cf. 4231 - Staff Development)  
 (cf. 4331 - Staff Development)

~~The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.~~

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

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

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

### **Nutritional Guidelines for All Foods Available at School**

Note: 42 USC 1758b mandates that the district's wellness policy include nutritional guidelines that are consistent with federal nutrition standards, as specified below. Also see AR 3550 - Food Service/Child Nutrition Program.

For all foods **and beverages** available on each campus during the school day, the district shall adopt USDA nutritional guidelines which are consistent with 42 USC **1758, 1766**, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 - Food Service/Child Nutrition Program)  
 (cf. 3552 - Summer Meal Program)  
 (cf. 3553 - Free and Reduced Price Meals)  
 (cf. 5141.27 - Food Allergies/Special Dietary Needs)  
 (cf. 5148 - Child Care and Development)  
 (cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times, unless the Board adopts a resolution demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. See AR 3550 - Food Service/Child Nutrition Program for policy language related to these requirements. Also see CSBA's policy brief Increasing Access to Drinking Water in Schools for further information and sample strategies for providing water and encouraging consumption. Information on potential funding sources to comply with the potable water requirement is available on the CDE web site.

The Superintendent or designee shall provide access to free, potable water ~~during meal times~~ in the food service area **during meal times** in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and **by** serving water in an appealing manner.

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, districts are mandated to include, within the wellness policy, standards for all foods and beverages which are made available to students outside the district's food services program (e.g., sales through vending machines, student stores, and fundraisers). Nutrition standards and other requirements pertaining to such food sales ~~outside the food services program (e.g., sales through vending machines, student stores, and fundraisers)~~ are addressed in AR 3554 - Other Food Sales. Pursuant to 42 USC 1758b, the USDA is required to establish nutrition standards for all foods sold and served in school at any time during the school day, although exemptions may be allowed for school-sponsored fundraisers if the fundraisers are approved by the school and are infrequent. Districts will be required to implement the standards beginning one school year following the approval of the federal rule.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's **reimbursable** food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)  
(cf. 3554 - Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, only those foods and beverages that are allowed for sale on campus during the school day may be marketed within the district. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50159-50160, clarifies that this includes, but is not limited to, marketing by way of signage, vending machine exteriors, menu boards, coolers, trash cans, cups and scoreboards, but does not apply to materials for educational purposes. It also states that existing items do not need to be immediately replaced, but as new contracts are signed and/or durable equipment replaced, these guidelines should be followed.

**To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)**

*(cf. 1325 - Advertising and Promotion)*

### Program Implementation and Evaluation

**Note: 42 USC 1758b and 7 CFR 210.30 require the district to identify an individual with the authority and responsibility to ensure that each district school complies with the wellness policy. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50151 pg. 50155, recommends that districts provide a means of contacting the designated individual by providing a district or school phone number and/or email address.**

The Superintendent shall designate Loyalton Elementary Site-Administrator, Loyalton High Site-Administrator, and Downieville Lead Teacher, **the individual(s) identified below, as the individual(s) responsible for ensuring one or more district or school employees, as appropriate, to ensure** that each school site complies with ~~this~~ **the district's wellness** policy. (42 USC 1758b; **7 CFR 210.30**)

**Loyalton Elementary School Site Administrator**  
**530 993-4482 Ext 11**  
[awhite@spjUSD.org](mailto:awhite@spjUSD.org)

**Loyalton High School Site Administrator**  
**530 993 4454 Ext 202**  
[tjones@spjujSD.org](mailto:tjones@spjujSD.org)

**Downieville School Lead Teacher**  
**530 289-3473**  
[rbolle@spjUSD.org](mailto:rbolle@spjUSD.org)

*(cf. 0500 - Accountability)*  
*(cf. 3555 - Nutrition Program Compliance)*

**Note: 42 USC 1758b requires assessment of the implementation of the wellness policy but does not define any specific timeline. CSBA's publication Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies recommends that a report on the implementation of the wellness policy be provided to the Board at least once every two years. The following optional paragraph may be revised to reflect district practice. 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, require an assessment of the implementation and compliance of the wellness policy as specified in the paragraph below. At its discretion, the district may revise the following paragraph to reflect a more frequent schedule.**

The Superintendent or designee shall ~~periodically~~ assess the implementation and effectiveness of this policy ~~at least once every two~~ **three** years. (42 USC 1758b; **7 CFR 210.30**)

**Note: 42 USC 1758b requires that the district assessment include a comparison of the district's policy with model wellness policies. See the USDA's web site for model policies and best practices recommended by federal and state agencies and nongovernmental organizations.**

The assessment shall include the extent to which district schools are in compliance with this policy, the



extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the school health wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

Note: Items #1-89 below are **optional** and may be revised to reflect district practice. For further information about the following indicators and a list of other possible indicators, see CSBA's Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies. The guide also describes possible data sources that may be used for each indicator and includes a sample report format. Indicators selected by the district may include a mix of process measures (e.g., level of student participation, number of classes, staffing, and costs) as well as outcome measures that assess the policy's impact on students (e.g., physical fitness test results, Body Mass Index, and food choices).

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods **and beverages** sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutritional standards
- 5.5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards**
- 5.6.** Results of the state's physical fitness test at applicable grade levels
- 6.7.** Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
- 7.8.** A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
- 8.9.** A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

The Superintendent or designee ~~may shall~~ invite feedback on district and school wellness activities from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before and after school program staff, and/or other appropriate persons. ~~;~~ **[MOVED UP]**

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

The Superintendent or designee ~~shall inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results. (42 USC 1758b)~~ **[MOVED TO "NOTIFICATIONS" SECTION]**

**Note: In addition to the district self-assessment described above, 7 CFR 210. 18, as amended by 81 Fed. Reg. 50151, requires that the CDE conduct administrative reviews of all districts at least once every three years to ensure that districts are complying with their wellness policy. See section "Records" below for information about records that may be required for this assessment. The USDA's Food and Nutrition Service may grant a one-year extension to the CDE's three-year review cycle if needed for efficient state management of the program.**

**In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.**

**The assessment results of both the district and state evaluations** shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

### **Posting Requirements**

~~Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)~~

### **Notifications**

**Note: Pursuant to Education Code 49432, as amended by SB 1169 (Ch. 280, Statutes of 2016), 42 USC 1758b, and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, the district is required to inform the public of the content and implementation of the wellness policy and the district's progress towards meeting the goals of the policy, as described below.**

**The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)**

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee ~~may disseminate health information and/or the district's student wellness policy to parents/guardians through~~ **shall distribute this information through the** district and school web sites. Outreach to parents/guardians shall emphasize the relationship between student health **and**

## wellness and academic performance.

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

*(cf. 1112 - Media Relations)*

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

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

*(cf. 6020 - Parent Involvement)*

Each school ~~may~~shall also may post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education CDE.

## Records

**The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)**

### *Legal Reference:*

#### EDUCATION CODE

33350-33354 CDE responsibilities re: physical education

**38086 Free fresh drinking water**

49430-~~49436~~49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-~~49561~~49564 Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51210 Course of study, grades 1-6

**51210.1-51210.2 Physical education, grades 1-6**

**51210.4 Nutrition education**

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51795-51796-~~558~~ School instructional gardens

51880-51921 Comprehensive health education

#### CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

#### UNITED STATES CODE, TITLE 42

1751-~~1769~~1769j National School Lunch Program, especially:

1758b Local wellness policy

1771-~~1791~~1793 Child Nutrition Act, especially:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.~~31~~343 National School Lunch Program, **especially:**

**210.30 Wellness policy**

220.1-220.~~23~~22 National School Breakfast Program

#### COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

## Management Resources:

CSBA PUBLICATIONS[Integrating Physical Activity into the School Day, Governance Brief, April 2016](#)[Increasing Access to Drinking Water in Schools, Policy Brief, ~~March~~ ~~March~~ April 2013](#)[Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012](#)[Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012](#)[Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012](#)[Physical Activity and Physical Education in California Schools, Research Brief, April 2010](#)[Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 \)](#)[Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009](#)[Physical Education and California Schools, Policy Brief, rev. October 2007](#)[School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006](#)CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS[Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009](#)[Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003](#)CALIFORNIA PROJECT LEAN PUBLICATIONS[Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006](#)CENTER FOR COLLABORATIVE SOLUTIONS[Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, ~~March 2010~~ ~~January 2015~~](#)CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS[School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, ~~2005~~ rev. 2012](#)FEDERAL REGISTER[Rules and Regulations, January 26, 2012, Vol. 77, Number 17, pages 4088-4167-~~July 29, 2016, Vol. 81, Number 146, pages 50151-50170~~](#)NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS[Fit, Healthy and Ready to Learn, ~~2000~~ rev. 2012](#)U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS[Dietary Guidelines for Americans, ~~2005~~ 2016](#)[Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000](#)WEB SITESCSBA: <http://www.csba.org>Action for Healthy Kids: <http://www.actionforhealthykids.org>[Alliance for a Healthier Generation: http://www.healthiergeneration.org](http://www.healthiergeneration.org)California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>California School Nutrition Association: <http://www.calsna.org>Center for Collaborative Solutions: <http://www.ccscenter.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Dairy Council of California: <http://www.dairycouncilofca.org>National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>National Association of State Boards of Education: <http://www.nasbe.org>School Nutrition Association: <http://www.schoolnutrition.org>Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/m/Healthy/wellnesspolicy.html>[U.S. Department of Agriculture, Healthy Meals Resource System: http://healthymeals.fns.usda.gov](http://healthymeals.fns.usda.gov)

Policy

adopted: April 10, 2007

revised: June 19, 2013

revised: May 10, 2016

revised: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Students AR 5111.1

### DISTRICT RESIDENCY

#### Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

Note: State law provides a number of options under which a student may attend school in a district other than the district where he/she resides. For instance, a student attending a school identified as low achieving on the state's Open Enrollment List may transfer to a school in any other district in the state subject to certain conditions, pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfer. If the district chooses to enter into an interdistrict attendance agreement pursuant to Education Code 46600-46611, a student may request a permit to attend school in a different district when both the district of residence and the district of proposed attendance have agreed to allow interdistrict attendance. If the Governing Board has declared the district to be a "school district of choice" pursuant to Education Code 48300-48316, the district may accept a specific number of interdistrict transfers into the district through a random, unbiased selection process. See BP/AR 5117 - Interdistrict Attendance for further information about these options. Pursuant to Education Code 48204, 48301, and 48356, students admitted under any of these options are deemed to have met district residency requirements. The district should revise item #3 as appropriate to reflect options provided by the district.

3. The student ~~has been~~ is admitted through an interdistrict attendance option-, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5118 - Open Enrollment Act Transfers)*

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries- and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code [48204](#), 48207)

*(cf. 6183 - Home and Hospital Instruction)*

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code [48204](#))

**Note: Pursuant to Education Code [48204.3](#), as added by SB 1455 (Ch. 312, Statutes of 2016), a student will be deemed to meet district residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation (i.e., a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense or the U.S. Coast Guard) within district boundaries.**

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code [48204.3](#))

*(cf. [6173.2 - Education of Children of Military Families](#))*

### **Residency Based on Parent/Guardian Employment (Allen Bill Transfers)**

**Note: The following section is optional. Education Code [48204](#) permits, but does not require, districts to admit a student whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week (so-called "Allen bill transfers"). If the district chooses to grant residency status to such students, it may nevertheless deny enrollment to students under the circumstances identified in items #1-3 below. [AB 2537 \(Ch. 106, Statutes of 2016\)](#) amended Education Code [48204](#) to indefinitely extend the district's authority to grant residency under these circumstances.**

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code [48204](#))

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.
3. Other circumstances exist that are not arbitrary.

**Note: The following paragraph is optional. In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that overcrowding is not an "arbitrary consideration" within the meaning of Education Code [48204](#). Therefore, a district may deny an application when the district's school facilities are overcrowded at the relevant grade level. The Attorney General also clarified that, once a student is admitted, he/she must be allowed to continue to attend**

school in the district through the highest grade level offered by the district, even if the school subsequently becomes overcrowded at the relevant grade level. Although Attorney General opinions are not binding on the courts, they are generally afforded deference when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

Note: Education Code 48204 prescribes limits on the number of net Allen bill transfers out of the district (the difference between the number of students entering and exiting the district) that a district may allow each fiscal year, unless waived by the sending district. The limits are based on the average daily attendance (ADA) of the district, as follows: five percent of ADA for districts with 500 or less ADA; three percent of ADA or 25 students, whichever is greater, for districts with an ADA of 501-2,500; and one percent of ADA or 75 students, whichever is greater, for districts with an ADA of 2,501 or more. The following paragraph may be modified to specify the percentage that applies to the district's ADA.

Even if the district has not authorized Allen bill transfers into the district, Education Code 48204 provides that the district may disallow transfers out of the district, within the specified limits, by students whose parent/guardian is employed within the boundaries of another district.

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

### Proof of Residency

~~In addition, district residency status may be granted to a student if at least one parent/guardian is physically employed within district boundaries. (Education Code 48204)~~

~~(cf. 5111.12—Residency Based on Parent/Guardian Employment)~~

~~District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)~~

~~(cf. 6178.2—Regional Occupational Center/Program)~~

~~The district may admit a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.~~

~~(cf. 5111.2—Nonresident Foreign Students)~~

~~The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency~~

requirements for school attendance. (Education Code 48980)

(cf. 5145.6—Parental Notifications)

### **Proof of Residency**

~~The Superintendent or designee shall annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)~~

(cf. 5111—Admission)

(cf. 5125—Student Records)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student

Note: Pursuant to Education Code 48204, a student shall be deemed a resident of the district if he/she lives with a caregiving adult within district boundaries; see item #5 in section "Criteria for Residency" above. Family Code 6552 provides an affidavit which authorizes a caregiver 18 years of age or older to enroll a minor in school and requires the caregiver's attestation that the student lives with the caregiver. If the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school.

9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a



paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

**Note: The following paragraph is for use by districts in which there is a military installation within district boundaries. Pursuant to Education Code 48204.3, as added by SB 1455 (Ch. 312, Statutes of 2016), a parent/guardian who is seeking residency status based on his/her transfer or pending transfer to a military installation within district boundaries may provide any of the following types of proof of residence.**

**A parent/guardian who is transferred or pending transfer into a military installation within district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)**

Note: Federal and state law require the immediate enrollment of homeless youth (Education Code 48852.7; 42 USC 11432), and foster youth (Education Code 48853.5), or student who has had contact with the juvenile justice system (Education Code 48645.5), regardless of their his/her ability to provide the school with records normally required for enrollment, including proof of residency. If a dispute arises over the enrollment of a homeless or foster youth, the student must be allowed to attend school while the district liaison conducts a dispute resolution process. See BP/AR/E 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

The California Department of Education's web site provides sample forms to obtain a declaration and affidavit from the parent/guardian or other qualified adult relative of a homeless child attesting that the family does not have a fixed, regular, adequate nighttime residence and indicating the current location where the family lives.

~~The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.~~

However, **Any homeless or foster youth or student who has had contact with the juvenile justice system shall not be required immediately enrolled in school even if he/she is unable** to provide proof of residency as a condition of enrollment in district schools. (Education Code **48645.5, 48852.7, 48853.5; 42 USC 11432**)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

**6173.3 - Education for Juvenile Court School Students)**

### Failure to Verify Residency

~~When the Superintendent or designee reasonably believes that a student's~~

~~A parent/guardian has provided false or unreliable evidence of seeking residency, he/she may make reasonable efforts to determine that status on the student meets basis of his/her employment within district residency requirements. (Education Code 48204.1)~~

~~If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she boundaries shall deny or revoke the student's enrollment. Before any such denial or revocation is final, submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.~~ is employed at that location. [MOVED UP]

### Safe at Home/Confidential Address Program

Note: Government Code 6205-6210 authorize the Secretary of State to provide victims of domestic violence, stalking, or sexual assault with a substitute address to use in place of their residence, work, or school address in all public records. Under this program, the Secretary of State receives any mail sent to the substitute address and forwards it to the program participant's confidential address. Pursuant to Government Code 6207, the district must accept and use the substitute address designated by the Secretary of State as a participant's substitute address for all communication and correspondence with program participants. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home program.

Program participants have been advised by the Secretary of State to provide administrators with their actual residence location only for school emergency purposes and to establish residency within the district.

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. ~~The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries.~~ (Government Code 6206, 6207)

*(cf. 3580 - District Records)*

Regulation

approved: April 10, 2007

revised: April 12, 2012

revised: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

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**Policy Reference:** UPDATE Service

**NEW**

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Students

BP 5116.2(a)

### INVOLUNTARY STUDENT TRANSFERS

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

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

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

*(cf. 6173.3 - Education for Juvenile Court School Students)*

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

### Students Convicted of Violent Felony or Misdemeanor

Note: Education Code 48929, as added by SB 1343 (Ch. 154, Statutes of 2016), authorizes a district to involuntarily transfer a student who has been convicted of a violent felony as defined in Penal Code 667.5(c) (including, but not limited to, attempted murder, rape, assault, kidnapping, and robbery) or a misdemeanor associated with possession of a firearm as specified in Penal Code 29805, whenever the student is enrolled at the same school as a student who was a victim of the crime.

In order to exercise this authority, Education Code 48929 **mandates** the Governing Board to adopt, at a regularly scheduled meeting, policy that contains the following provisions: (1) a requirement that the student and his/her parent/guardian be notified of the right to request a meeting with the principal or designee; (2) a requirement that the school first attempt to resolve the conflict using restorative justice, counseling, or other services; (3) whether the decision to transfer a student is subject to periodic review and the procedure for conducting the review; and (4) the process to be used by the Board to consider and approve or disapprove the recommendation of the principal or designee to transfer the student. Education Code 48929 also requires the district to provide notice of the policy to parents/guardians as part of the annual parental notification required by Education Code 48980.

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)  
 (cf. 5144 - Discipline)  
 (cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

Education Code 48929 **mandates** that the Board adopt policy describing the process to be used by the Board to consider and take action on the recommendation to transfer a student under this law, but does not prescribe any such process. Education Code 35146 provides that the Board must meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. See BB 9321 - Closed Session Purposes and Agendas.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

### **Other Involuntary Transfers**

Students may be involuntarily transferred under either of the following circumstances:

Note: Item #1 below is for use by districts that maintain high schools. Education Code 48432 requires such districts to establish and maintain continuation education schools or classes whenever there are any students residing in the district who are subject to compulsory continuation education. Pursuant to Education Code 48432.5, districts that assign students to continuation schools are mandated to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools. See BP/AR 6184 - Continuation Education for language fulfilling this mandate.

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

Note: Education Code 48660-48666 authorize districts to establish community day schools for expelled students, certain probation-referred students pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or through another formal district process. Pursuant to Education Code 48662, districts establishing a community day school are mandated to adopt policy that provides procedures for the involuntary transfer of students to the school. See BP/AR 6185 - Community Day Schools for language fulfilling this mandate.

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

*Legal Reference:*

EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:

48432.5 Involuntary transfer to continuation school

48660-48666 Community day schools, especially:

48662 Involuntary transfer to community day school

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

*Management Resources:*

WEB SITES

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

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

Regulation

approved: January 10, 2017

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Loyalton, California

**Policy Reference UPDATE Service**

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