

AGENDA FOR THE REGULAR MEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION  
February 13, 2018  
Downieville School, 130 School St., Downieville, CA 95936  
5:00 PM CLOSED SESSION  
6:00 pm REGULAR SESSION

This meeting will be available for videoconferencing at Sierra County Office of Education, 109 Beckwith Rd., Loyalton, CA 96118  
*In the case of a technological difficulty at either school site, videoconferencing will not be available.*  
*Any individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.*  
*Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at the Sierra County Board of Education, 109 Beckwith Road, Room 3, Loyalton, CA, 96118, and posted with the online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5)*

A. CALL TO ORDER

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

B. ROLL CALL

C. APPROVAL OF THE AGENDA

D. PUBLIC COMMENT FOR CLOSED SESSION

At this time, the meeting opens for any public comments regarding the Closed Session items.

E. CLOSED SESSION

The Board of Trustees, Superintendent Dr. Merrill M. Grant and Business Manager Nona Griesert will move into Closed Session to discuss the following items:

a. Government Code §54957.6, Conference with Labor Negotiators

Agency Negotiator for the Board: Dr. Merrill M. Grant, Superintendent  
Employee Organizations:

Represented Employees: Sierra-Plumas Teachers' Association

Unrepresented Employees: Classified Employees  
Confidential Employees  
Administrative Employees

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK

G. 6 pm - RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

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

K. RECONVENE SIERRA COUNTY OFFICE OF EDUCATION BOARD OF EDUCATION MEETING

L. BOARD ORGANIZATION

- a. Superintendent gives Oath of Office to Board Trustee, Area 3, Provisional Appointment
- b. Superintendent appoints Vice President of the Sierra County Board of Education

M. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. California County Superintendents Educational Services Association (CCSESA) Quarterly Meeting Report
  - b. SELPA Update
  - c. Transportation Aide-Special Education
  - d. Classified Salary Schedule, Revised\*\*
2. Business Report
  - a. Account Object Summary-Balance from 07/01/17 to 01/31/18\*\*
3. Board Members' Report (5 minutes)
4. 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

N. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held January 9, 2018\*\*
2. Approval of Board Report – Checks Dated 01/01/2018 through 01/31/2018\*\*
3. Authorization to Submit Consolidated Application\*\*

O. ACTION ITEMS

1. New Business
  - a. PUBLIC COMMENT – Collective Bargaining Agreement Disclosure Statement  
  
This is an opportunity for members of the public to directly address the governing board on the Collective Bargaining Agreement, Items "b" through "e" listed on this Agenda under Action Items
  - b. Presentation of the Tentative Agreement to Sierra-Plumas Teachers' Association 2017-2018 Negotiations for salary and benefits\*\*

Sierra County Board of Education  
Regular Meeting Agenda  
February 13, 2018

- c. Presentation of the Sierra-Plumas Classified Employees' 2017-2018 Initial Proposal for salary and benefits\*\*
- d. Presentation of the Confidential Employees' 2017-2018 Initial Proposal for salary and benefits\*
- e. Completion of Bargaining Sierra-Plumas Teachers Association, 2017-2018 Negotiations\*\*
- f. First Reading, Sierra-Plumas Joint Unified School District 2018-2019 Calendar\*\*


BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- g. Board Policy 4119.21, 4219.21, 4319.21, Professional Standards, revision\*\*
- h. Administrative Regulation 4144, Complaints, revision\*\*
- i. Board Policy and Administrative Regulation 4200, Classified Personnel, revision\*\*
- j. Board Policy & Administrative Regulation 5144.1, Suspension and Expulsion/Due Process, revision\*\*
- k. Board Policy 5144, Discipline, revision\*\*
- l. DELETE Board Policy/Administrative Regulation/Exhibit 6162.52, High School Exit Examination
- m. DELETE Board Bylaw 9150, Student Board Members, revision\*\*

P. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on March 13, 2018, 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. \_\_\_\_\_

Q. ADJOURN



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

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

SIERRA COUNTY OFFICE OF EDUCATION  
Classified Salary Schedule

POSITION	A	B	C	D	E	F	G	H	I	J	K
					YR 5	YR 8	YR 11	YR 14	YR 17	YR 20	YR 25
INSTRUCTIONAL AIDE	12.16	12.87	13.59	14.34	15.08	15.82	16.62	17.47	18.34	19.26	20.22
CUSTODIAN	14.16	15.01	15.84	16.70	17.53	18.39	19.34	20.31	21.31	22.38	23.51
WORKABILITY COORDINATOR	16.20	17.02	17.87	18.75	19.70	20.67	21.71	22.79	23.94	25.13	26.38
CAREER TECH	13.69	14.37	15.09	15.83	16.63	17.47	18.34	19.25	20.21	21.22	22.29
BEHAVIOR ATTENDANT	11.28	11.72	12.19	12.69	13.19	13.72	14.27	14.84	15.43	16.05	16.85
WORKABILITY AIDE	12.76	13.41	14.08	14.78	15.52	16.29	17.11	17.96	18.87	19.80	20.79
CLERK TYPIST	12.74	13.51	14.28	15.04	15.76	16.56	17.41	18.28	19.19	20.15	21.16
INSTRUCTIONAL AIDE (SH)	13.16	13.95	14.79	15.67	16.46	17.28	18.14	19.05	20.00	21.00	22.05
<b>TRANSPORTATION AIDE</b>	<b>11.00</b>	<b>11.55</b>	<b>12.13</b>	<b>12.73</b>	<b>13.37</b>	<b>14.04</b>	<b>14.74</b>	<b>15.48</b>	<b>16.25</b>	<b>17.06</b>	<b>17.92</b>

Approved May 9, 2017, SH Aide Added September 21, 2017  
**Proposed Transportation Aide February 13, 2018**

Balances through January						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	253,033.00	338,632.00	155,985.00	167,351.00	15,296.00
1120	Certificated Substitutes		14,464.00		1,390.00	13,074.00
1200	Certificated Pupil Support Ser	62,735.00	63,015.00	31,367.70	31,647.70	.40-
1300	Certificated Supervisor Admini	122,205.00	122,205.00	50,918.80	68,786.32	2,499.88
1310	Teacher in Charge		10,000.00	5,000.00	5,000.00	.00
1900	Other Certificated Salaries		18,800.00		6,700.00	12,100.00
	<b>Total for Object 1000</b>	<b>437,973.00</b>	<b>567,116.00</b>	<b>243,271.50</b>	<b>280,875.02</b>	<b>42,969.48</b>
2100	Instructional Aides' Salaries	127,814.00	100,726.00	45,498.28	45,638.72	9,589.00
2120	Classified Substitutes		2,868.00		4,398.88	1,530.88-
2200	Classified Support Salaries	11,472.00	22,051.00	5,467.65	7,017.59	9,565.76
2300	Classified Supervisors' Admini	90,686.00	90,686.00	37,410.00	52,584.00	692.00
2400	Clerical Technical Office Staf	135,885.00	140,487.00	58,430.76	79,056.70	2,999.54
2420	Clerical Substitute				36.50	36.50-
2900	Other Classified Salaries	16,284.00	24,436.00		3,066.39	21,369.61
	<b>Total for Object 2000</b>	<b>382,141.00</b>	<b>381,254.00</b>	<b>146,806.69</b>	<b>191,798.78</b>	<b>42,648.53</b>
3101	STRS Certificated Positions	79,671.00	106,883.00	34,779.40	40,043.98	32,059.62
3102	STRS Classified Positions		664.00	332.05	332.05	.10-
3202	PERS Classified Positions	62,566.00	61,675.00	23,766.45	31,726.53	6,182.02
3301	OASDI Certificated Positions				6.82	6.82-
3302	OASDI Classified Positions	23,436.00	22,962.00	8,173.72	11,207.52	3,580.76
3311	Medicare Certificated Position	5,861.00	7,806.00	3,322.15	3,859.50	624.35
3312	Medicare Classified Positions	5,484.00	5,437.00	2,074.78	2,728.76	633.46
3401	Health & Welfare Benefits Cert	100,460.00	124,887.00	51,995.05	55,355.21	17,536.74
3402	Health & Welfare Benefits Clas	73,741.00	105,498.00	53,342.25	61,844.78	9,689.03-
3501	SUI Certificated	218.00	284.00	121.65	141.81	20.54
3502	SUI Classified	193.00	191.00	73.46	95.00	22.54
3601	Workers' Compensation Certific	15,002.00	20,397.00	8,678.40	10,090.95	1,627.65
3602	Workers' Compensation Classifi	14,036.00	14,203.00	5,419.97	7,130.18	1,652.85
	<b>Total for Object 3000</b>	<b>380,668.00</b>	<b>470,887.00</b>	<b>192,079.33</b>	<b>224,563.09</b>	<b>54,244.58</b>
4100	Approved Textbooks Core Curric	614.00	2,851.00			2,851.00
4200	Library and Reference Material		1,000.00			1,000.00
4300	Materials and Supplies	38,755.00	45,976.00	864.60	9,657.33	35,454.07
4320	Custodial Grounds Supplies	500.00	500.00			500.00
4330	Office Supplies	1,000.00	1,000.00		179.88	820.12
4350	Vehicle Upkeep	5,500.00	5,500.00	1,812.72	437.28	3,250.00

Balances through January						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
4399	Mat & Sup Undesignated Bal		36,551.00			36,551.00
4400	Noncapitalized Equipment	22,766.00	22,204.00		980.23	21,223.77
	<b>Total for Object 4000</b>	<b>69,135.00</b>	<b>115,582.00</b>	<b>2,677.32</b>	<b>11,254.72</b>	<b>101,649.96</b>
5100	Subagreements for Services	44,000.00	43,000.00	37,173.66	5,807.94	18.40
5200	Travel and Conference	26,817.00	38,238.00	5,682.85	4,964.84	27,590.31
5300	Dues and Membership	19,205.00	19,270.00	358.75	11,222.00	7,689.25
5400	Insurance	9,300.00	9,300.00		8,506.00	794.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	912.49	2,087.51	6,200.00
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	171.90	395.47	2,532.63
5801	Legal Services	20,500.00	20,500.00			20,500.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	613.00	613.00	87.00	113.00	413.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	674.61	825.39	.00
5810	Contracted Services	445,615.00	507,506.00	251,974.41	97,188.54	158,343.05
5899	SPJUSD to Reimburse			2,563.89	26,185.88	28,749.77-
5900	Communications	1,900.00	1,900.00	4,300.00		2,400.00-
	<b>Total for Object 5000</b>	<b>583,250.00</b>	<b>655,627.00</b>	<b>303,899.56</b>	<b>157,296.57</b>	<b>194,430.87</b>
6200	Building and Improvement of Bu	18,867.00	7,664.00			7,664.00
6400	Equipment	20,000.00	20,000.00			20,000.00
	<b>Total for Object 6000</b>	<b>38,867.00</b>	<b>27,664.00</b>	<b>.00</b>	<b>.00</b>	<b>27,664.00</b>
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
	<b>Total for Object 7000</b>	<b>24,428.00</b>	<b>24,428.00</b>	<b>.00</b>	<b>.00</b>	<b>24,428.00</b>
	<b>Total for Fund 01 and Expense accounts</b>	<b>1,916,462.00</b>	<b>2,242,558.00</b>	<b>888,734.40</b>	<b>865,788.18</b>	<b>488,035.42</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>2,009,822.00</b>	<b>2,335,918.00</b>	<b>888,734.40</b>	<b>865,788.18</b>	<b>581,395.42</b>

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

January 9, 2018

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

This meeting was available for teleconferencing at Downieville School, 130 School St., Downieville, CA 95936

5 pm for Closed Session

6 pm for Regular Session

A. CALL TO ORDER

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

B. ROLL CALL

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

ABSENT: None

C. APPROVAL OF THE AGENDA

MOORE/DRYDEN  
5/0

D. PUBLIC COMMENT FOR CLOSED SESSION

At this time, the meeting opens for any public comments regarding the Closed Session items.

E. CLOSED SESSION

MOORE/DRYDEN  
5/0

The Board of Trustees, Superintendent Dr. Merrill M. Grant and Nona Griesert, Business Manager moved into Closed Session to discuss the following items:

- a. Government Code §54957.6, Conference with Labor Negotiators  
Agency Negotiator for the Board: Dr. Merrill M. Grant, Superintendent  
Employee Organizations:  
Represented Employees: Sierra-Plumas Teachers' Association  
Unrepresented Employees: Classified Employees  
Confidential Employees  
Administrative Employees

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK

G. 6 pm - RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

MOORE reported that directions were given to the Superintendent to convey negotiation interests to the negotiations team.

J. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. Audio presentation from Clay Singleton of SingletonAuman, PC, Auditors  
Mr. Singleton was unavailable to give the presentation
  - b. SELPA Update – The year will begin with evaluation of expenditures and student needs in regards to the entire program. Thanks to Mrs. Garcia interworking with the new SEIS system.
  - c. Assignment of Dannielle Ball, Instructional Aide, Loyalton Elementary School, .708 FTE, (4.2 hours per day) (Possible 5.0 increase depending on student need)
  - d. Assignment of Gina Troupe, Instructional Aide, Loyalton High School, .708 FTE (4.2 hours per day), is still under consideration.
2. Business Report
  - a. Account Object Summary-Balance from 07/01/17 to 12/31/17
3. Board Members' Report (5 minutes)

DRYDEN informed the board that a former student, Daniel McCartney, tragically passed away in his line of duty as a law enforcement officer. There will be a local memorial service Friday night at 7 pm.
4. Public Comment
  - a. Current location Megan Meschery reported on the Sierra Schools Foundation. Many teachers have applied for grants and received funds, i.e., a school-wide STEAM enrichment program (focus on NextGen Science); a LHS grant for Peace Mediator Program training; many various field trips.
  - b. Videoconference location - none

K. CONSENT CALENDAR

1. Approval of minutes of the Regular Board meeting held December 12, 2017
2. Approval of Board Report – Checks Dated 12/01/2017 through 12/31/2017
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending December 31, 2017. 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, 2017.
4. Review and approval Administrative Regulation 6145 per Education Code 35160.5 (Board Policy was recently reviewed and revised in July 2017)  
DRISCOLL/MOORE  
5/0

L. ACTION ITEMS

1. New Business
  - a. Approval of 2016-17 Sierra County Office of Education School Attendance Report Card



MOORE/DRISCOLL  
5/0

- b. Approval for school site councils to comprise the Local Control Accountability Plan Parent Groups for corresponding sites  
DRISCOLL/WRIGHT  
5/0
- c. Acceptance of Fiscal Year 2016-2017 Financial Audit  
MOORE/DRISCOLL  
5/0

APPROVAL OF BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- d. Board Policy 1325, Advertising and Promotion, revision  
MOORE motioned to approve the above policy, choosing Option 2. DRISCOLL seconded.  
5/0
- e. Board Policy 1300, Budget, revision  
DRYDEN motioned to approve the above policy, choosing Option 2. DRISCOLL seconded.  
5/0
- f. Approval to DELETE Board Policy 3517, Facilities Inspection (incorporated into new AR)  
DRISCOLL/MOORE  
5/0
- g. Administrative Regulation 3517, Facilities Inspection, new  
DRYDEN/DRISCOLL  
5/0

M. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on February 13, 2018, 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. Closed Session for Negotiations

N. ADJOURN

DRISCOLL/MOORE  
5/0

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Sharon Dryden, Clerk

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

Checks Dated 01/01/2018 through 01/31/2018

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00014837	01/10/2018	JANIS HARDEMAN	01-5200	NURSE SERVICES	228.67	
			01-5810	NURSE SERVICES	1,371.33	1,600.00
00014838	01/10/2018	JANE V. LEE, M.A., LMFT	01-5810	COUNSELING SERVICES		1,480.00
00014839	01/10/2018	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		1,002.75
00014840	01/10/2018	BARBARA MCKURTIS	01-5100	CONTRACTED CONSULTANT AGREEMENT	958.13	
			01-5810	CONTRACTED CONSULTANT AGREEMENT	3,604.37	4,562.50
00014841	01/10/2018	MIKE MOORE	01-5200	PER DIEM		26.75
00014842	01/10/2018	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	JAN 18 HEALTH INSURANCE	1,600.00	
			76-9576	JAN 18 HEALTH INSURANCE	18,868.90	20,468.90
00014843	01/10/2018	ALLEN WRIGHT	01-5200	PER DIEM		6.42
00014844	01/26/2018	HEIDI BETHKE	01-5200	MILEAGE		111.56
00014845	01/26/2018	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		23.06
00014846	01/26/2018	READ NATURALLY	01-4300	INSTRUCTIONAL SUPPLIES		365.00
00014847	01/26/2018	SCHOOL SERVICES OF CALIFORNIA	01-5200	WORKSHOP REGISTRATIONS	24.75	
			01-5899	WORKSHOP REGISTRATIONS	74.25	99.00
00014848	01/26/2018	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		121.86
00014849	01/26/2018	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		294.86
00014850	01/26/2018	U.S. BANK	01-4300	CLASSROOM SUPPLIES	141.45	
				FLASH CARDS	47.26	
			01-4330	SUBSCRIPTION	179.88	
			01-5200	SUPT. TRAVEL EXPENSES	350.00	718.59
00014851	01/26/2018	VOYAGER	01-4350	FUEL EXPENSE	77.71	
			01-5200	FUEL EXPENSE	70.69	
			01-5899	FUEL EXPENSE	48.93	197.33
00014852	01/26/2018	ALLEN WRIGHT	01-5200	PER DIEM		20.44
<b>Total Number of Checks</b>					<b>16</b>	<b>31,099.02</b>

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	16	12,230.12
76	Payroll Clearing	1	18,868.90

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.

Checks Dated 01/01/2018 through 01/31/2018

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
		Total Number of Checks	16		31,099.02	
		Less Unpaid Sales Tax Liability			.00	
		<b>Net (Check Amount)</b>			<b>31,099.02</b>	

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

ESCAPE ONLINE

**2017-18 Consolidation of Administrative Funds**

A request by the LEA to consolidate administrative funds for specific programs.

**CDE Program Contact:**

Julie Brucklacher, Financial Accountability and Info Srv Office, [jbruckla@cde.ca.gov](mailto:jbruckla@cde.ca.gov), 916-327-0858

Title I, Part A (Basic) SACS Code 3010	No
Title I, Part C (Migrant Education) SACS Code 3060	No
Title I, Part D (Delinquent) SACS Code 3025	No
Title II, Part A (Supporting Effective Instruction) SACS Code 4035	No
Title III, Part A (Immigrant Students) SACS Code 4201	No
Title III, Part A (English Learner Students) - 2% maximum SACS Code 4203	No
Title IV, Part A (Student Support) SACS Code 4127	No
Title IV, Part B (21st Century Community Learning Centers) SACS Code 4124	No

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

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

TENTATIVE AGREEMENT  
SIERRA-PLUMAS TEACHERS' ASSOCIATION  
FOR 2017-2018 SALARY AND BENEFITS

ARTICLE 12, Salary

1. Salary Schedule

Proposed: A 5% salary schedule increase to the 2016-17 salary schedule retroactive to July 1, 2017.

Response: Employers agree to an off-the-schedule one-time salary adjustment of \$1,500, for the 2017-2018 school year.

2. Extra Duty Stipends, rates of compensation

Proposed: Add stipend for Downieville School greenhouse assignment

Response: No agreement or action taken for 2017-2018 school year.

ARTICLE III, Staff Development Days

1. Proposed: Additional Staff Development Days with the Principal pre-approval, over and above three

Response: Employer grants a total of five (5) Staff Development Days, outside approved certificated contract days, as approved by Site Administrator and/or Superintendent. Certificated personnel will be compensated at the rate of two-hundred dollars (\$200.00) per documented Staff Development Day.

ARTICLE 18, Early Retirement Options

1. Proposed: Modify the Golden Handshake

Response: No agreement or action taken for 2017-2018 school year.

TENTATIVE AGREEMENT

Article 16.2: The parties agree that negotiations for 2017-2018 shall be closed. The parties agree to meet to discuss issues of mutual concern.

The Employers propose that in mutual agreement with Sierra-Plumas Teachers' Association, to close 2017-2018 school year negotiations through June 30, 2018.

Accepted and Ratified for S-PTA:

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

Date \_\_\_\_\_

Accepted and Ratified for the Employer:

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

\_\_\_\_\_  
Date

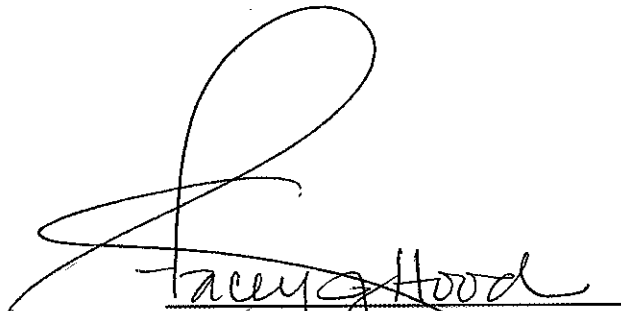
Doc: Negotiations 2017-18 /Tentative Agreement 2017\_18 SPTA  
Doc:SPTA/Tentative Agreement 2017\_18 SPTA

**SIERRA COUNTY SUPERINTENDENT OF SCHOOLS  
SIERRA COUNTY BOARD OF EDUCATION,  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT GOVERNING  
BOARD  
SIERRA-PLUMAS CLASSIFIED EMPLOYEES ASSOCIATION (S-PCEA)  
2017-2018 INITIAL BARGAINING AGREEMENT PROPOSAL  
Presented January 9, 2018**

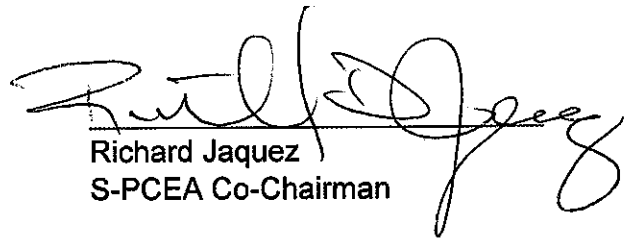
The Sierra County Office of Education and the Sierra-Plumas Joint Unified School District Classified Employees propose the following for 2017-2018 salary and benefits:

A. Article 19, Wages

A 5% salary schedule increase in the 2017-2018 salary schedule.

  
Stacey Hood  
S-PCEA Co-Chairman

Employees of the  
Sierra-Plumas Joint Unified School District  
Sierra County Office of Education

  
Richard Jaquez  
S-PCEA Co-Chairman

Dated: 1/29/18

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

**COMPLETION OF BARGAINING**

SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA)  
FOR 2017-2018 SALARY AND BENEFITS

TENTATIVE AGREEMENT

By mutual agreement with Sierra-Plumas Teachers' Association (S-PTA), Sierra County Superintendent of Schools, Sierra County Board of Education, and Sierra-Plumas Joint Unified School District Governing Board, this Completion of Bargaining shall conclude 2017-2018 school year negotiations through June 30, 2018.

The SIERRA-PLUMAS TEACHERS' ASSOCIATION (S-PTA) voluntarily accepts and ratifies the Tentative Agreement for 2017-2018 school year.

Accepted and Ratified  
For the S-PTA:

Accepted and Adopted  
For the Employer:

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

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

\_\_\_\_\_  
Date

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patricia Hall, President  
Sierra County Board of Education

\_\_\_\_\_  
Date

Date presented to the Governing Boards: \_\_\_\_\_

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

doc:SPTA/2017-18 Negotiations/Completion of Bargaining 2017-18\_Feb 13, 2018  
doc: Negotiations 2017-18/Completion of Bargaining 2017-18\_Feb 13, 2018

Negotiations: S-PTA Completion of Bargaining 2017-2018, February 13, 2018



**SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT**  
**2018 – 2019 Proposed School Calendar**

Month	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Special Days	Teacher Days	School Days
AUG	12	13	14	15	16	17	18		5	
	19	20	21	22	23	24	25			
	26	27	28	29*	30	31	1	29 First Day of School		
SEP	2	3	4	5*	6	7	8	3 Labor Day Holiday	19	17
	9	10	11	12*	13	14	15			
	16	17	18	19*	20	21	22	21 End of 1 <sup>st</sup> Month		
	23	24	25	26*	27	28	29			
OCT	30	1	2	3*	4	5	6		23	20
	7	8	9	10*	11	12	13			
	14	15	16	17*	18	19	20	19 End of 2 <sup>nd</sup> Month		
	21	22	23	24*	25	26	27	26 End of 1 <sup>st</sup> Quarter		
	28	29	30	31*						
NOV					1	2	3		18	19
	4	5	6	7*	8	9	10			
	11	12	13	14	15	16	17	12 Veteran's Day   14-16 Min. Days – End of Trimester/3 <sup>rd</sup> Month		
	18	19	20	21	22	23	24	21-23 Thanksgiving Holiday		
	25	26	27	28*	29	30	1			
DEC	2	3	4	5*	6	7	8		14	17
	9	10	11	12*	13	14	15	14 End of 4 <sup>th</sup> Month		
	16	17	18	19*	20	21	22	21-4 Winter Break		
	23	24	25	26	27	28	29			
JAN	30	31	1	2	3	4	5		18	18
	6	7	8	9*	10	11	12			
	13	14	15	16*	17	18	19	18 End of 1 <sup>st</sup> Semester/2 <sup>nd</sup> Quarter		
	20	21	22	23*	24	25	26	21 MLK Holiday   25 End of 5 <sup>th</sup> Month		
	27	28	29	30*	31					
FEB						1	2		18	18
	3	4	5	6*	7	8	9			
	10	11	12	13*	14	15	16	11 Lincoln's Birthday Holiday		
	17	18	19	20*	21	22	23	18 President's Day Holiday   22 End of 6 <sup>th</sup> Month		
	24	25	26	27*	28					
MAR						1	2		16	20
	3	4	5	6*	7	8	9	8 End of 2 <sup>nd</sup> Trimester		
	10	11	12	13*	14	15	16			
	17	18	19	20*	21	22	23	22 End of 7 <sup>th</sup> Month		
	24	25	26	27	28	29	30	29 End of 3 <sup>rd</sup> Quarter		
APR	31	1	2	3*	4	5	6	1-5 Spring Break	20	14
	7	8	9	10*	11	12	13			
	14	15	16	17*	18	19	20	18 End of 8 <sup>th</sup> Month   19 Snow Day		
	21	22	23	24*	25	26	27	22 Travel Day		
	28	29	30							
MAY				1*	2	3	4		21	19
	5	6	7	8*	9	10	11			
	12	13	14	15*	16	17	18	17 End of 9 <sup>th</sup> Month		
	19	20	21	22*	23	24	25	24 Snow Day		
	26	27	28	29*	30	31	1	27 Memorial Day Holiday		
JUN	2	3	4	5*	6	7	8		10	18
	9	10	11	12*	13	14	15	14 Last Day of School (Min. Day)		
<b>Total Required Days</b>									<b>182</b>	<b>180</b>

\* Wednesdays = Early Release (LES/DOWNIEVILLE @ 1:30 pm, LHS @ 1:35 pm)

## POLICY GUIDE SHEET – February 2018 Agenda

### **BP 4119.21/4219.21/4319.21 - Professional Standards**

(BP revised)

Policy updated to reflect **NEW LAW (AB 500)** which requires any district that has an employee code of conduct addressing employee interactions with students to post that section of its code of conduct on each school's web site (or on the district web site if a school does not maintain one) and to provide it to parents/guardians at the beginning of the school year.

### **AR 4144/4244/4344 - Complaints**

(AR revised)

Regulation updated to delete outdated reference to the use of Williams uniform complaint procedures for complaints alleging the failure to provide intensive instruction to students who did not pass the high school exit exam by the end of grade 12. Regulation reorganized to clarify circumstances that require the use of an alternate complaint procedure.

### **BP/AR 4200 - Classified Personnel**

(BP/AR revised)

Policy updated to add material formerly in AR regarding the employment of substitute or short-term employees and to clarify that the length of service of a short-term employee must be no longer than 195 days per year. Regulation updated to reflect **NEW LAW (AB 670)** which makes playground aide positions part of the classified service in non-merit system districts.

### **BP 5144 - Discipline**

(BP revised)

Policy updated to reflect **NEW LAW (SB 250)** which requires districts to ensure that any discipline imposed on a student does not result in the denial or delay of a nutritionally adequate meal to the student.

### **BP/AR 5144.1 - Suspension and Expulsion/Due Process**

(BP/AR revised)

Policy updated to add homeless students as one of the numerically significant student subgroups for whom the district must monitor suspension/expulsion data, and to add board review of disaggregated suspension/expulsion data for the purpose of identifying any disparities in the imposition of discipline. Updated regulation revises the grounds for suspension and expulsion to more directly reflect law which separates out aiding or abetting a crime of physical violence from causing, attempting to cause, or threatening physical violence. Regulation also adds definition of cyber sexual bullying as a ground for suspension/expulsion and reflects **NEW LAW (AB 667)** which requires a student to be informed, during the informal conference required prior to suspension, of the other means of correction that were attempted before suspension.

### **AR 5148.2 – Before/After School Programs**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 830)** which deletes the requirement that a program operating under the 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) include preparation for the high school exit exam, as that exam has been eliminated.

### **BP 6146.1 - High School Graduation Requirements**

(BP revised)

Policy updated to reflect **NEW LAW (AB 830)** which repeals the requirement to pass the high school exit exam as a condition of graduation and **NEW LAW (AB 365)** which exempts children of military families from locally established graduation requirements under certain conditions.

### **BP/AR/E 6162.52 - High School Exit Examination**

(BP/AR/E(1)/E(2) deleted)

Policy, regulation, and exhibits deleted since **NEW LAW (AB 830)** repeals the requirement to pass the high school exit exam as a condition of graduation.

### **BB 9150 - Student Board Members**

(BB revised)

Trustees: Keep or Toss???

Bylaw updated to reflect **NEW LAW (AB 261 and SB 468)** which eliminates the requirement that students petition in order to receive preferential voting rights for student board members. Bylaw also reflects requirement of SB 468 that the district provide student board members with materials and briefings, except those related to closed session, at the same time as other board members.

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### All Personnel

BP 4119.21

4219.21

### PROFESSIONAL STANDARDS

4319.21

The ~~Board of Education and County Superintendent of Schools~~ Governing Board expects county/district employees to maintain the highest ethical standards, ~~exhibit professional behavior~~ behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. ~~Employee~~ Employees shall engage in conduct ~~should enhance~~ that enhances the integrity of the district, ~~advance~~ advances the goals of the district's educational programs, and ~~contribute~~ contributes to a positive school climate.

(cf. 0200 - Goals for the School District)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

Note: The following **optional** paragraph encourages district employees to abide by standards developed by their professional associations. These standards are reproduced at E 4119.21 (certificated personnel), E 4219.21 (classified personnel), and E 4319.21 (administrative and supervisory personnel).

~~The Board and County Superintendent of Schools encourages~~ The Board encourages county/district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Each employee ~~should make a commitment~~ is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and ~~should focus on his/her contribution~~ to contribute to the learning and achievement of county/district students.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

### Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)

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

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

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

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting county/district or school operations by loud or unreasonable noise or other action

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

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

9. Dishonesty Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, ~~falsification of~~ falsifying information in employment records or other school records

10. Divulging confidential information about students, county/district employees, or county/district operations to persons or entities not authorized to receive the information

(cf. 3580 - District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using county/district equipment or other county/district resources for the employee's own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using county/district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of county/district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the county/district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

### **Reports of Misconduct**

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the county/district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Note: Discipline of employees is a subject of collective bargaining. For information about the range of disciplinary actions that may be taken, see BP/AR 4118 - Dismissal/Suspension/Disciplinary Action, and AR 4218 - Dismissal/Suspension/Disciplinary Action. Education Code 44242.5 and 5 CCR 80303 require the Superintendent to notify the Commission on Teacher Credentialing (CTC) when the status of a certificated employee changes as a result of alleged misconduct. Although "alleged misconduct" is not defined in the law, the CTC states that conduct affecting classroom safety, student safety, or the integrity of the school environment is the type of misconduct that must be reported. See AR 4117.7/4317.7 - Employment Status Reports.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. –The Superintendent or designee shall notify local law enforcement as appropriate.

~~(cf. 4117.7/4317.7 - Employment Status Reports)~~

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

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

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The county/district superintendent prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the county/district's complaint process shall be subject to discipline.

### **Notifications**

Note: Beginning January 1, 2018, Education Code 44050, as added by AB 500 (Ch. 580, Statutes of 2017), requires districts maintaining an employee code of conduct that addresses employee interactions with students to post the section(s) on employee-student interactions in a publicly accessible manner on each school's web site, or the district web site if a school does not maintain one. Beginning July 1, 2018, at the beginning of each school year, the district must also provide parents/guardians with written copies of the sections of the employee code of conduct that address employee interactions

with students. The applicable sections of the code of conduct may appear in a variety of district documents, including, but not limited to, portions of this Board policy, employee handbooks, and/or the code of conduct adopted by the district for use by certificated, classified, or administrative personnel as presented in the accompanying Exhibits.

The section(s) of the county/district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or county/district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Educational Leaders, February 2014

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Professional Standards for Educational Leaders, 2015

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

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

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.wested.org>

Policy

adopted: April 10, 2007

revised: April 8, 2008

revised: February 8, 2011

revised: October 9, 2012

revised: February 13, 2018

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SIERRA COUNTY OFFICE OF EDUCATION

Sierraville, California

Loyalton, California

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Reference UPDATE Service

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

All Personnel

AR4144

4244

COMPLAINTS

4344

Note: The following administrative regulation is **optional**. Government Code 53296-53299 grant district employees and job applicants the right to file a "whistleblower" complaint regarding issues specified below. Pursuant to Education Code 44112-44113, the district is prohibited from retaliating against, or otherwise interfering with, an employee for exercising his/her right to file such a complaint. See BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.

The following guidelines shall prescribe the manner in which complaints are handled:

### 1. A "complaint"

The procedure specified in this administrative regulation shall be defined as an alleged used to investigate and resolve any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures. Procedures for the resolution or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of employee complaints provide a route gross mismanagement, a significant waste of appeal through administrative channels and to the Board funds, an abuse of authority, or a specific danger to public health or safety.

*4119.1/4219.1/4319.1 - Civil and Legal Rights)*

*(cf. Education, if necessary. If the complaint is related to discrimination*

*Any of the district's procedure for complaints concerning discrimination should be used time:*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.



~~7. Time limits specified in these procedures~~ the following procedure may be ~~reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step~~ between the district and complainant.

~~8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.~~

### **Step 1: Informal Complaints** **Complaint Process**

~~Employees are encouraged to resolve complaints informally. Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the site administrator of the school where the alleged act took place. Formal complaint procedures shall not be initiated unless informal efforts~~ until the employee has first attempted to resolve the complaint informally.

### **Step 2: Site Level Formal Complaint Process**

~~Note: Pursuant to Government Code 53297, an employee has the right to file a "whistleblower" complaint within 60 days of the date of the act or event that is the subject of the complaint. The following paragraph establishes a 60-day limit for all complaints filed pursuant to this procedure. Districts that choose to create a separate timeline for complaints not covered by Government Code 53297 (non-whistleblower complaints) should modify the complaint have been exhausted and the complainant has provided a written description of such efforts~~ following section accordingly.

#### ~~Formal Complaint Procedure— Step 1~~

If a complaint has not been satisfactorily resolved ~~by~~ through the informal ~~procedures~~ process in Step 1, the complainant may file a written complaint with ~~the~~ his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within ~~five~~ 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

~~The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.~~

#### ~~Formal Complaint Procedure—~~

### **Step 23: District Level Appeal**

If a complaint has not been satisfactorily resolved at Step ~~4~~ 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the ~~answer at Step 1. All information presented at Step 1 shall be included with the complaint, and~~ written response from



the immediate supervisor or the principal. The complainant shall submit include all information presented to the Superintendent immediate supervisor or designee a report describing attempts to resolve the complaint at Step 1 principal at Step 2.

Within ~~five~~10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation ~~and, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall~~ meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

~~The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.~~

~~Formal Complaint Procedure – Step 3~~

#### **Step 4: Appeal to the Governing Board**

If a complaint has not been satisfactorily resolved at Step ~~2~~3, the complainant may file a written appeal to the Board within five working days of receiving the ~~answer at Step 2.~~Superintendent or designee's response. All information presented at Steps 1, ~~2,~~ and ~~2~~3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint ~~at Step 2~~and the district's response.

~~An appeal~~Note: Government Code 54957 authorizes the Board to meet in closed session regarding certain personnel matters. However, when the Board is discussing specific "complaints or charges" against an employee, that employee must be given at least 24-hour written notice of the meeting and he/she may request the matter be heard in open session. See BB 9321 - Closed Session Purposes and Agendas.

The Board may uphold the findings by the Superintendent or designee without hearing shall be held at the next regularly scheduled the complaint or the Board may hear the complaint at a regular or special Board meeting which falls at least 12 days after the appeal is filed. This. The hearing shall be held in closed session if the complaint relates to matters properly that may be addressed in closed session in accordance with law.

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

The Board shall make its decision within 30 days of the hearing and shall ~~mail~~send its decision to all concerned parties. The Board's decision shall be final.

#### **Alternate Procedures**

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure in BP/AR 4030 - Nondiscrimination in Employment.

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

*(cf. 4030 - Nondiscrimination in Employment)*

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

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Regulation

approved: April 10, 2007

revised: February 13, 2018

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

**Policy Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Classified Personnel

AR 4200

### CLASSIFIED PERSONNEL

#### Exemption from Classified Service

#### Districts Not Incorporating the Merit System

Note: Pursuant to Education Code 45103, all positions not requiring certification qualifications are part of the classified service, unless specifically exempted by law. AB 670 (Ch. 582, Statutes of 2017) amended Education Code 45103 to eliminate the exemption for part-time playground positions, thereby making such positions a part of the classified service.

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45103)

1. ~~1.~~ Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent 195 work days per year, including holidays, sick leave, vacation, and other leaves of absences, irrespective of the school year number of hours worked per day

~~Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Board of Education may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.~~

~~Short term employee means any person who is employed to perform a service for the district, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.~~

~~Seventy five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.~~

- ~~2.~~ 2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment

3. Full-time students employed part time

4. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district, and which is financed by state or federal funds

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code

45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

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

(cf. [4112.5/4212.5/4312.5 - Criminal Record Check](#))

(cf. 4212 - *Appointment and Conditions of Employment*)

~~(cf. [4212.5 - Criminal Record Check](#))~~

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

Regulation

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

approved: April 10, 2007

revised: February 13, 2018

**Policy Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

BP 4200

### CLASSIFIED PERSONNEL

Note: The following Board policy may be revised for consistency with district collective bargaining agreements and, for districts that have incorporated the merit system pursuant to Education Code 45220-45320, with the rules and regulations of the personnel commission.

~~The Board of Education~~ The Governing Board recognizes that classified personnel provide essential services that support and enhance the district's educational program. The Board shall fill each of its classified positions with qualified persons, consistent with position requirements. ~~The primary role of classified personnel is to provide services that support and enhance the district's educational program.~~

*(cf. 0200 - Goals for the School District)*  
*(cf. 4211 - Recruitment and Selection)*

Note: The following paragraphs reflect requirements of Education Code 45103-45104 and are for use by non-merit system districts. In merit system districts, classification of positions is a responsibility of the personnel commission pursuant to Education Code 45256.

~~Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.~~

~~*(cf. 4215 - Evaluation/Supervision)*~~

### Classification of Employees

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

*(cf. 4211 - Recruitment and Selection)*  
*(cf. 4212 - Appointment and Conditions of Employment)*

~~Before employing a short term classified employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 75 percent of the school year, as defined. (Education Code 45103)~~

~~Each~~Each classified position shall have a designated title and regular minimum number of assigned hours per day, days per week, and months per year. ~~A job description shall be established for each position.~~

### Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

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

Each classified employee shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

*(cf. 4215 - Evaluation/Supervision)*

### Substitute and Short-Term Employees

The district may employ a substitute employee to replace a classified employee who is temporarily absent from duty. (Education Code 45103)

If the district is in the process of hiring a permanent employee to fill a classified position, the Board may fill the vacancy with one or more substitute employees for no more than 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time. (Education Code 45103)

Note: Pursuant to Education Code 45103, the district may employ short-term employees for no more than 75 percent of the school year. As defined in Education Code 45103, 75 percent of the school year is 195 work days, which is equivalent to 75 percent of the number of work days in a full year.

The district may employ a short-term employee to perform a service for the district when that service or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 195 work days per year, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. (Education Code 45103)

*Legal Reference:*

#### EDUCATION CODE

45100-45139 *Employment of classified staff*

45160-45169 *Salaries and differential compensation*

45190-45210 *Resignation and leaves of absence*

45220-45320 *Merit system*

49406 *Examination for tuberculosis*

51760-51769.5 *Work experience education*

*Management Resources:*

WEB SITES

*California School Employees Association: <http://www.csea.com>*

Policy

adopted: April 10, 2007

revised: February 13, 2018

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

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TRUSTEES: changes on pages 4 and 8

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

**Students**

AR 5144.1

### SUSPENSION AND EXPULSION/DUE PROCESS

Education Code 35291 requires the Board to adopt rules and regulations, which are not inconsistent with law or rules adopted by the State Board of Education, for the government and discipline of the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 **mandate** that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 **mandates** procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation.

The acts for which students may be suspended or expelled are specified in law and in the sections below titled "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12." The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. In addition, pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct.

### Definitions

*Suspension* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board of Education for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

*Expulsion* means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)



TRUSTEES: **changes on pages 4 and 8**

*(cf. 5145.6 - Parental Notifications)*

### **Grounds for Suspension and Expulsion: Grades K-12**

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

*(cf. ~~3513.4 - Drug and Alcohol Free Schools~~)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

## TRUSTEES: changes on pages 4 and 8

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. -(Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic

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performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. -(Education Code 48900(r))

Note: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation committed by a student at any grade level, as set forth in Education Code 48900.2, 48900.3, or 48900.4, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may be disciplined for the "bullying" but not for the underlying act of sexual harassment, hate violence, or harassment, threat, or intimidation as specified below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12."

~~Bullying shall include~~ Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Note: AB 2536 (Ch. 419, Statutes of 2016) amended Education Code 48900(r) to include an act of cyber sexual bullying, as defined, as an act of bullying for which a student may be suspended or expelled from school.

**Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.**

*Electronic act* means the creation or transmission ~~of a communication~~ originated on or off ~~the~~ school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

**a.** ~~A~~ A message, text, sound, video, or image

**b.** ~~, or A~~ post on a social network Internet web site, ~~by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, including,~~ but is not limited to, ~~the posting to~~ or creation of creating a burn page or ~~the creation of~~ creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. ~~(Education Code 48900(r))~~

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in

**TRUSTEES: changes on pages 4 and 8**

conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

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

*(cf. 5131.2 - Bullying)*

*(cf. 6163.4 - Student Use of Technology)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

*(cf. 6164.6 - Identification and Education under Section 504)*

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

*A terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

**Additional Grounds for Suspension and Expulsion: Grades 4-12**

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

*(cf. 5131.4 - Student Disturbances)*

A student in grades 4-12- shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*Sexual harassment* means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

TRUSTEES: changes on pages 4 and 8

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

### **Suspension from Class by a Teacher**

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

TRUSTEES: **changes on pages 4 and 8**

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

### **Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct ~~in the student~~. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain ~~them~~ the documentation in the student's record. (Education Code 48900.5)

*(cf. 5125 - Student Records)*

### **Length of Suspension**

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

*(cf. 6184 - Continuation Education)*

TRUSTEES: changes on pages 4 and 8

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

### Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

Note: Pursuant to Education Code 48911, before a student is suspended by the Superintendent, principal, or designee, an informal conference must be held with the student and, when practicable, the teacher, supervisor, or other school employee who referred the student to the principal. AB 667 (Ch. 445, Statutes of 2017) amended Education Code 48911 to require that a student be informed during this informal conference of other means of correction that were attempted before the suspension.

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, **including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the** ~~presented with the available~~ evidence against him/her, and **shall be** given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.



TRUSTEES: changes on pages 4 and 8

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

- a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
- b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

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

- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

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

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

### **Suspension by the Board**



TRUSTEES: [changes on pages 4 and 8](#)

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

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

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **On-Campus Suspension**

Note: The following **optional** section is for use by any district establishing an on-campus suspension program pursuant to Education Code 48911.1. However, pursuant to Education Code 48900.5, such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension classroom program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class in accordance with law.

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all

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assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

### **Superintendent or Principal's Authority to Recommend Expulsion**

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

### **Student's Right to Expulsion Hearing**

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good

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cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Stipulated Expulsion**

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

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Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

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

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney adviser* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

### **Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students**

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If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

### **Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, **a** videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

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- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this—evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
    - (3) The person conducting the hearing may:
      - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
      - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### **Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more



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certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or ~~public~~ **open** session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

-The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.



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Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Ed Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### **Decision to Suspend Expulsion Order**

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In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

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7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

### **Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

### **Placement During Expulsion**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

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*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

**Readmission After Expulsion**

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

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No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

### **Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

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

Regulation

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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

## Board Policy

### Students

BP 5144.1

### SUSPENSION AND EXPULSION/DUE PROCESS

Note:

While recognizing that suspension or expulsion of students is sometimes necessary, legislative, administrative, regulatory, civic, and educational leaders are united in the belief that instructional time should be used for student learning purposes and that school discipline should be imposed in a way that, as much as possible, ~~would~~ does not exclude students from school or limit their ability or opportunity to learn. ~~In addition,~~ According to the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, ~~state that studies have suggested~~ suggest a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehaviors.

Pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless **the student has been subjected to** other means of correction **which** have failed to bring about proper conduct. Such other means of correction include, but are not limited to, conferences between school personnel and the student and his/her parents/guardians; use of study, guidance, or other intervention teams to develop a plan to address the behavior in partnership with the student; and participation in a restorative justice program. For further information about specific disciplinary strategies, including alternatives to class or school removals, see BP/AR 5144 - Discipline. Education Code 48900.5 ~~also~~ authorizes a district to document in a student's records the alternative means of correction used to address the student's behavior. Furthermore, when a student is being suspended by the Superintendent, principal, or designee, Education Code 48911, as amended by AB 667 (Ch. 445, Statutes of 2017), requires that the student be informed, during the informal conference that precedes the suspension, of the other means of correction that were attempted before the suspension.

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.2 - Bullying)*

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Note: Pursuant to Education Code 48900(s), a student may be subject to discipline only when the violation is related to a school activity or school attendance as specified below. A student may also be disciplined for violations committed away from school if it is related to a school activity or to school attendance. For example, Education Code 48900 defines bullying by means of an electronic act as including an act that originates off campus; see the accompanying administrative regulation and BP/AR 5131.2 - Bullying. Another example is the hostile school environment which a victim may suffer from sexual harassment that occurs off campus; see BP/AR 5145.7 - Sexual Harassment.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus  
(*cf. 5112.5 - Open/Closed Campus*)
4. During, going to, or coming from a school-sponsored activity

Note: The following paragraph addresses the problem of unlawful discrimination in the administration of student discipline. In their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, the DOJ and OCR noted that, based on the civil rights data collection conducted by OCR, students of certain racial or ethnic groups tended to be disciplined more, and sometimes more harshly, than their similarly situated peers in violation of federal nondiscrimination laws. The letter warned that any district determined to have engaged in unlawful discrimination could be subject to OCR investigation and significant remedial action.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

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

### **Appropriate Use of Suspension Authority**

Note: Education Code 48900.5 requires districts to use other means of correction instead of suspension or expulsion except when a student commits certain enumerated offenses. The following section reflects legislative intent regarding appropriate use of suspension as a means of disciplining students and may be modified to reflect district practice.

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. -(Education Code 48900.5, 48900.6)

(*cf. 1020 - Youth Services*)

(*cf. 5138 - Conflict Resolution/Peer Mediation*)

(*cf. 5144 - Discipline*)

(*cf. 6142.4 - Service Learning/Community Service Classes*)

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

(*cf. 6164.5 - Student Success Teams*)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

Note: Education Code 48900(k) prohibits a district from suspending students in grades K-3 for disruption or willful defiance--and authorizes, but does not require, a district to suspend students in grades 4-12 for disruption or willful defiance. Even with this authority, districts should be careful in using these grounds, as available data have indicated a disproportionate use with certain student subgroups. Option 1 below is for use by any district that chooses to suspend students in grades 4-12 for disruption and/or willful defiance as authorized pursuant to Education Code 48900(k). Any district that chooses to eliminate disruption and willful defiance as reasons for suspending any of its students from school should select Option 2 below. Such districts should also delete the first paragraph in the section titled "Additional Grounds for Suspension and Expulsion: Grades 4-12," in the accompanying administrative regulation.



Each option below reflects an exception granted to teachers pursuant to Education Code 48910 to suspend students, including a K-3 student, from class; see section "Suspension from Class by a Teacher" in the accompanying administrative regulation.

**OPTION 1:** No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

**OPTION 2:** No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

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

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others



A vote to expel a student shall be taken in a public an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

### Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

### Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

Note: Pursuant to Education Code 52060, districts are required to address school climate in the local control and accountability plan, as measured by student suspension and expulsion rates and other local measures for each school and each numerically significant student subgroup. As defined in Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students.

~~The report shall be disaggregated~~ **In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions** by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and ~~students with disabilities~~. ~~The report also~~ **homeless students. Based on the data, the Board shall include information about address any identified disparities in the imposition of student discipline and shall determine** whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

#### Legal Reference:

##### EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

**52052 Numerically significant student subgroups**

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

PENAL CODE (continued)

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

~~7454~~ **7961** Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

*Fremont Union High School District v. Santa Clara County Board* (1991) 235 Cal. App. 3d 118 \_\_\_\_\_ *Garcia v. Los Angeles*

*Board of Education* (1991) 123 Cal. App. 3d 807

*John A. v. San Bernardino School District* (1982) 33 Cal. 3d 301

**ATTORNEY GENERAL OPINIONS**

84 *Ops.Cal.Atty.Gen.* 146 (2001)

80 *Ops.Cal.Atty.Gen.* 348 (1997)

80 *Ops.Cal.Atty.Gen.* 91 (1997)

80 *Ops.Cal.Atty.Gen.* 85 (1997)

**Management Resources:**

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

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline*, January 2014

**WEB SITES**

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and ~~Drug-Free Schools~~ **Healthy Students:**

<http://www.ed.gov/about/offices/list/osdfs> <https://www2.ed.gov/about/offices/list/oese/oshs>

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

**Policy**

adopted: April 10, 2007

revised: August 9, 2011

revised: June 12, 2012

revised: April 9, 2013

revised: June 18, 2014

revised: March 10, 2015

revised: February 13, 2018

**Reference UPDATE Service**

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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Students

BP 5144

### DISCIPLINE

Note: The following policy is **optional**. Pursuant to Education Code 52060-52077, the Governing Board is required to adopt a local control and accountability plan (LCAP) that includes a description of the specific actions that the district intends to take in order to achieve its annual goals in specific priority areas, including student engagement and school climate. See BP/AR 0460 - Local Control and Accountability Plan.

Since a district's ability to meet its goals around these priorities is impacted by its student discipline policies and practices, the Board must be careful to enact rules that are effective in maintaining safety and order on campus and in correcting student misbehavior without unnecessarily excluding students from school or participation in instruction. State law specifies behaviors for which a student may be suspended and/or recommended for expulsion (see BP/AR 5144.1 - Suspension and Expulsion/Due Process) and authorizes the use of age-appropriate alternatives designed to address a student's specific misbehavior, including those listed in Education Code 48900.5 and 48900.6.

In addition, the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, state that studies have suggested a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior.

~~The Board of Education~~ The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. ~~5138 - Conflict Resolution/Peer Mediation~~)

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

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ~~design a complement of~~ develop effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring

equity and continuous improvement in the implementation of district discipline policies and practices.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

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

In addition, the Superintendent or designee's strategies for correcting student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures ~~as a means for correcting student misbehavior~~.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

*(cf. 5020 - Parent Rights and Responsibilities)*

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

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

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

*(cf. 6164.5 - Student Success Teams)*

Note: Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), districts must ensure that any discipline imposed on a student does not result in the denial or delay of a nutritionally adequate meal. The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773), or any district in which there is a school required to serve a free or reduced-price meal during the school day pursuant to Education Code 49550.

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

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

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

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

Note: The following **optional** paragraph may be revised to reflect district practice. According to Public Counsel's model policy issued as part of the Fix School Discipline Project, a discipline matrix that lists violations and consequences could be a useful guide to school site administrators with regard to when suspension or expulsion referrals should be utilized.

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. Pursuant to Education Code 32282, any adopted site-level discipline rules must be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan. The following paragraph is **optional**.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and

state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code [32282](#), 35291.5, ~~32282~~)

(cf. 0450 - *Comprehensive Safety Plan*)  
(cf. 9320 - *Meetings and Notices*)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. –When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - *Nondiscrimination in District Programs and Activities*)  
(cf. 5145.3 - *Nondiscrimination/Harassment*)  
(cf. 5145.7 - *Sexual Harassment*)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

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

Note: Pursuant to Education Code 52060, the district must annually adopt an LCAP that includes a description of district goals for improving school climate, as provided in the following paragraph.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - *Local Control and Accountability Plan*)  
(cf. 3100 - *Budget*)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

*Legal Reference:*

EDUCATION CODE  
32280-32288 *School safety plans*

35146 *Closed sessions*  
 35291 *Rules*  
 35291.5-35291.7 *School-adopted discipline rules*  
 37223 *Weekend classes*  
 44807.5 *Restriction from recess*  
 48900-48926 *Suspension and expulsion*  
 48980-48985 *Notification of parent/guardian*  
 49330-49335 *Injurious objects*  
[49550-49562 \*Meals for needy students\*](#)  
 52060-52077 *Local control and accountability plan*  
CIVIL CODE  
 1714.1 *Parental liability for child's misconduct*  
CODE OF REGULATIONS, TITLE 5  
 307 *Participation in school activities until departure of bus*  
 353 *Detention after school*  
[UNITED STATES CODE, TITLE 42](#)  
[1751-1769j \*School Lunch Program\*](#)  
[1773 \*School Breakfast Program\*](#)

*Management Resources:*

CSBA PUBLICATIONS

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

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

*Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009*

CALIFORNIA DEPARTMENT OF EDUCATION CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

*Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000*

STATE BOARD OF EDUCATION OF EDUCATION POLICIES

*01-02 School Safety, Discipline, and Attendance, March 2001*

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*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

WEB SITES

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

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

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SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 SIERRA COUNTY OFFICE OF EDUCATION  
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# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Instruction

BP 6146.1

### HIGH SCHOOL GRADUATION REQUIREMENTS

Note: The following policy is for use by districts that maintain grades 9-12.

AB 830 (Ch. 641, Statutes of 2017) repealed Education Code 60850-60859, thereby eliminating the California High School Exit Examination as a requirement for high school graduation.

The Board Governing Board desires to prepare all students to obtain a high school diploma ~~to enable them to~~ so that they can take advantage of opportunities for postsecondary education and employment.

*(cf. 5127 - Graduation Ceremonies and Activities)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.3 - Reciprocity of Academic Credit)*

### Course Requirements

Note: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in items #1-6 below.

Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma, students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

2. Three courses in mathematics (Education Code 51225.3)

Beginning in the 2011-12 school year, all high school students beginning in the ninth grade will take three consecutive years of math classes. At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete three mathematics courses in grades 9-12. (Education Code 51224.5)



Note: The following optional paragraph is for use only by districts that require more than two courses in mathematics for graduation and should be deleted by other districts. Pursuant to Education Code 51225.3 and 51225.35, a district that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course, as defined. Any such course must have been approved by the University of California as a "category c" (mathematics) course in the university's "a-g" course admission criteria; see BP 6143 - Courses of Study.

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6152.1 - Placement in Mathematics Courses)*

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

*(cf. 6142.93 - Science Instruction)*

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

Note: Education Code 51225.3 authorizes the Board to include a course in career technical education (CTE) as an alternative to the visual or performing arts or foreign language course requirement for high school graduation. If the Board chooses to do so, it must, at a regular Board meeting prior to allowing a CTE course as an alternative, notify parents/guardians, students, teachers, and the public of information specified in Education Code 51225.3. In addition, the information must be included in the district's annual notification to parents/guardians pursuant to Education Code 48980; see the accompanying administrative regulation. Districts that do not allow this alternative course requirement should delete references to CTE in item #5 below.

The CTE course may be offered through different means, including a district-operated program, regional occupational center or program, or county office of education program pursuant to a joint powers agreement. See BP/AR 6178 - Career Technical Education and BP 6178.2 - Regional Occupational Center/Program for program details pertaining to CTE.

5. One course in visual or performing arts, foreign language, including American Sign Language, or career technical education (CTE) (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

*(cf. 6142.2 - World/Foreign Language Instruction)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - *Physical Education and Activity*)

Note: Pursuant to Education Code 51225.3, the Board may prescribe additional coursework (e.g., health education, service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation beginning in the 2018-19 school year. See AR 6143 - Courses of Study.

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

(cf. 6142.4 - *Service Learning/Community Service Classes*)

(cf. 6142.8 - *Comprehensive Health Education*)

7. One course in state requirements
8. Completion, in grade 12 or academic equivalent, one senior project, the requirements of which are determined and outlined by the high school faculty and administration, to include a research paper, project activity and formal presentation.

With the inception of an eight-period block schedule, the unit requirements are 300 Credits.

Note: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - *Alternative Credits Toward Graduation*)

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

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

## Exemptions and Waivers

Note: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements a foster youth, homeless student, former juvenile court school student, or, as amended by AB 365 (Ch. 739, Statutes of 2017), child of a military family, who transfers into the district or between district high schools any time after completing his/her second year of high school. This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, and AR 6173.3 - Education for Juvenile Court School Students.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer of a foster youth, homeless student, former juvenile court school student, or child of a military family, the district is required to provide notice to the student of the availability of the exemption and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the homeless student ceases to be homeless, or after the student no longer meets the definition of a child of a military family, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of his/her fourth year of high school, the district or a district school must not require or request that he/she graduate before the end of his/her fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4687; see BP/AR 1312.3 - Uniform Complaint Procedures.

A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into the district any time after completing his/her second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and whether he/she qualifies for it. ~~(Ed~~ (Education Code 51225.1)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.6 - Parental Notifications)*

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

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

*(cf. 6173.32 - Education of Children of Military Families)*

~~In addition, the Superintendent or designee shall facilitate the on-time graduation of children of military families by waiving specific course requirements for graduation if the student has satisfactorily completed similar coursework in another district. (Education Code 49701)~~

~~(cf. 6173.2 - Education for Children of Military Families)~~

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

## **Retroactive Diplomas**

: Education Code 51413, as added by AB 830 (Ch. 641, Statutes of 2017), retains and renumbers the requirement to grant a diploma to students who previously met all applicable graduation requirements other than the requirement to pass the high school exit examination.

~~Until July 31, 2018, any~~ Any student who completed grade 12 in the 2003-04 ~~school year or a subsequent~~through 2014-15 school year and ~~has~~ met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code ~~60851-6~~51413)

The district may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. A deceased former student who satisfies these conditions may be granted a retroactive diploma to be received by his/her next of kin. (Education Code 51430)

In addition, the district may grant a diploma to a veteran who entered the military service of the United States while he/she was a district student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)

*Legal Reference:*

EDUCATION CODE

47612 Enrollment in charter school  
 48200 Compulsory attendance  
 48412 Certificate of proficiency  
 48430 Continuation education schools and classes  
 48645.5 Acceptance of coursework  
 48980 Required notification at beginning of term  
 49701 Interstate Compact on Educational Opportunity for Military Children  
 51224 Skills and knowledge required for adult life  
 51224.5 Algebra instruction  
 51225.1 Exemption from district graduation requirements  
 51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course  
 51225.3 High school graduation  
 51225.35 Mathematics course requirements; computer science  
 51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation  
 51225.5 Honorary diplomas; foreign exchange students  
 51225.6 Compression-only cardiopulmonary resuscitation  
 51228 Graduation requirements  
 51240-51246 Exemptions from requirements  
 51250-51251 Assistance to military dependents  
 51410-~~51413~~ Diplomas  
 51420-51427 High school equivalency certificates  
 51430 Retroactive high school diplomas  
 51440 Retroactive high school diplomas  
 51450-51455 Golden State Seal Merit Diploma  
 51745 Independent study restrictions  
 56390-56392 Recognition for educational achievement, special education  
 66204 Certification of high school courses as meeting university admissions criteria  
 67386 Student safety; affirmative consent standard  
CODE OF REGULATIONS, TITLE 5  
 1600-1651 Graduation of students from grade 12 and credit toward graduation  
 4600-4687 Uniform complaint procedures  
COURT DECISIONS  
O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>  
 California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>

*University of California, List of Approved a-g Courses:*  
<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

Policy

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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

## Board Bylaw

Board Bylaws

BB 9150

### STUDENT BOARD MEMBERS

Note: The following optional Board of Education believes it bylaw is important for use by any district maintaining one or more high schools. Pursuant to seek out and consider students' ideas, viewpoints and reactions to Education Code 35160, the educational program. Governing Board may, on its own authority, elect to include one or more student members on the Board. In districts that do not have a student Board member, the district's high school students may petition the Board, pursuant to Education Code 35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions.

In order to provide student input enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board may include a student Board member selected supports the participation of high school students in district governance.

### Petition

Note: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts that have already established student Board member position(s) should delete the following section.

Education Code 35012, as amended AB 261 (Ch. 257, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members without requiring students to submit a petition to the Board for such rights. See "Role and Responsibilities of Student Board Members" below for additional information regarding preferential voting.

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of no less than 500 regularly enrolled high school students or no less than 10 percent of the number of regularly enrolled high school students, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

### Election of Student Board Member

Note: The following section may be revised to reflect district practice. Pursuant to Education Code 35012, when student representation is established in response to a student petition, student Board members must be elected by the students enrolled in high school(s). It is recommended that the district apply the same process when a

student Board member position is established at the Board's discretion. The following paragraph may be revised accordingly.

Student Board member positions shall be filled by a vote of students enrolled in the high school(s) in accordance with procedures ~~approved~~ prescribed by the Board. (Education Code 35012)

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

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

The term of student Board ~~members~~ member(s) shall be one ~~calendar~~ year, commencing on July 1. (Education Code 35012)

### **Role and Responsibilities of Student Board ~~members~~ Members**

Student Board member(s) shall have the right to attend all Board meetings except closed (executive) sessions. (Education Code 35012)

~~Student Board members~~ *(cf. 9321 - Closed Session Purposes and Agendas)*

Note: Education Code 35012, as amended by SB 468 (Ch. 283, Statutes of 2017), requires that student Board members receive meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board need to comply with Brown Act requirements.

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to voting Board members. Student Board member(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. (Education Code 35012)

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

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with regular Board ~~other~~ members of the Board, and shall be recognized at meetings as full members. They may ~~allowed to~~ participate in questioning witnesses and discussing issues ~~and shall receive all materials presented to Board members except those related to closed sessions.~~ (Education Code 35012)

~~Student Board members may be reimbursed for mileage but shall not receive compensation for attendance at Board meetings. (Education Code 35012)~~

Note: Education Code 35012, as amended by AB 261 (Ch. 257, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members.

Student Board member(s) ~~may~~ shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. Preferential ~~votes shall be~~ voting means a formal expression of opinion that is recorded in the minutes and cast ~~prior to~~ before the official ~~Board~~ and of the Board vote. Preferential votes shall not affect the final numerical outcome of a vote. ~~Preferential votes shall be recorded in the Board meeting minutes.~~ (Education Code 35012)



Student(*cf. 9324 - Minutes and Recordings*)

Note: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) ~~may~~to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (~~Education Code 35012~~)The following **optional** paragraph is for use by districts that have adopted a resolution granting such authority.

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

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

Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board but shall not receive compensation for attendance at Board meetings. (Education Code 35012)

*(cf. 3350 - Travel Expenses)*

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

### **Student Board Member Development**

Note: The following section is **optional**. Trainings for student Board members are available through CSBA's Annual Education Conference and statewide associations such as the California Association of Student Councils and California Association of Student Leaders.

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of their Board responsibilities.

*(cf. 9240 - Board Training)*

The Superintendent or designee may periodically provide an orientation for student Board member candidates to give them an understanding of the responsibilities and expectations of Board service.

### **Elimination of Position**

Note: Education Code 35012 requires a majority vote of all voting members of the Board in order to eliminate a student Board member position that was established in response to a student petition. It is recommended that the district apply the same requirement when the position is established at the Board's discretion. The following paragraph may be revised accordingly.)

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)



*Legal Reference:*EDUCATION CODE33000.5 Appointment of student ~~members~~member to State Board of Education35012 Board members; number, election and terms; ~~pupil~~student members35160 Authority of governing boardsGOVERNMENT CODE3540-3549.3 ~~Meeting and Negotiating in Public~~-Educational Employment Relations ActManagement Resources:WEB SITESCSBA: <http://www.csba.org>California Association of Student Councils: <http://www.casc.net>California Association of Student Leaders: <http://www.caslboard.com>National School Boards Association: <http://www.nsba.org>

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