

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

July 10, 2018

6:00pm REGULAR SESSION

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

Vide Conferencing will be available at Downieville School, 130 School St., Downieville CA 95936

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

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

Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at the Sierra County Board of Education, 109 Beckwith Road, Room 3, Loyalton, CA, 96118, and posted with the online agenda at

<http://www.sierracountyofficeofeducation.org> (Government Code 54957.5).

A. CALL TO ORDER

Please be advised that this meeting will be recorded.

B. ROLL CALL

C. FLAG SALUTE

D. APPROVAL OF AGENDA

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
 - a. County Budget Update
 - b. SARB Annual Report*
 - c. CCSESA Quarterly Meeting Report
2. Business Report
 - a. Account Object Summary-Balance from 07/01/2017 to 06/30/2018**
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

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held June 12, 2018**
2. Approval of minutes for the Special Meeting held June 21, 2018**
3. Approval of Board Report-Checks Dated 06/01/2018 through 06/30/2018**
4. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 06/30/2018. 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 06/30/2018.
No complaints during the entire 2017-2018 school year.

G. ACTION ITEMS

1. New Business

- a. Adoption of Resolution No. 19-001C, Fund Transfers for 2018-2019 Fiscal Year**
ROLL CALL VOTE


BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- b. Board Policy 3514.1, Hazardous Substances, *new***
c. DELETE Board Policy 6161.3, Toxic Art Supplies (*incorporated into BP 3514.1, Hazardous Substances*)
d. Board Policy AND Administrative Regulation 3516, Emergencies and Disaster Preparedness Plan, *revisions***
e. Administrative Regulation 3541, Transportation Routes and Services, *new***
f. Board Policy AND Administrative Regulation 4158, Employee Security, *revisions***
g. Administrative Regulation 4161.8/4261.8/4361.8, Family Care and Medical Leave, *revisions***
h. Board Policy AND Administrative Regulation 6145, Extracurricular and Cocurricular Activities, *annual review—no changes per T. Jones (available on GAMUT)*

H. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on August 14, 2018 at Downieville School, 130 School St., Downieville, CA 95936 beginning with Closed Session, as needed, at 5:00pm and the Regular Board Meeting at 6:00pm.
2. Suggested Agenda Items
- a. _____
b. _____

I. ADJOURN



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

*** prior month handout

** enclosed

* handout

Balances through June						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	253,033.00	337,959.00		337,911.88	47.12
1120	Certificated Substitutes		5,790.00		8,430.00	2,640.00-
1200	Certificated Pupil Support Ser	62,735.00	63,765.00		64,515.40	750.40-
1300	Certificated Supervisor Admini	122,205.00	122,205.00		122,360.67	155.67-
1310	Teacher in Charge		10,000.00		12,000.00	2,000.00-
1900	Other Certificated Salaries		18,800.00		10,050.00	8,750.00
	Total for Object 1000	437,973.00	558,519.00	.00	555,267.95	3,251.05
2100	Instructional Aides' Salaries	127,814.00	99,056.00		107,397.50	8,341.50-
2105	Per Diem - Same Day Travel				42.00	42.00-
2115	Classified Extra Duty				559.28	559.28-
2120	Classified Substitutes		7,618.00		9,259.84	1,641.84-
2200	Classified Support Salaries	11,472.00	21,800.00		19,216.68	2,583.32
2300	Classified Supervisors' Admini	90,686.00	90,376.00		92,281.50	1,905.50-
2400	Clerical Technical Office Staf	135,885.00	154,987.00		144,726.00	10,261.00
2420	Clerical Substitute				36.50	36.50-
2900	Other Classified Salaries	16,284.00	15,128.00		16,349.89	1,221.89-
	Total for Object 2000	382,141.00	388,965.00	.00	389,869.19	904.19-
3101	STRS Certificated Positions	79,671.00	103,739.00		78,361.81	25,377.19
3102	STRS Classified Positions		664.00		1,746.35	1,082.35-
3201	PERS Certificated Positions				51.25	51.25-
3202	PERS Classified Positions	62,566.00	58,616.00		58,128.21	487.79
3301	OASDI Certificated Positions		1,286.00-		40.92	1,326.92-
3302	OASDI Classified Positions	23,436.00	22,531.00		22,025.31	505.69
3311	Medicare Certificated Position	5,861.00	7,683.00		7,632.98	50.02
3312	Medicare Classified Positions	5,484.00	5,528.00		5,546.86	18.86-
3401	Health & Welfare Benefits Cert	100,460.00	124,887.00		107,350.26	17,536.74
3402	Health & Welfare Benefits Clas	73,741.00	114,461.00		112,532.73	1,928.27
3501	SUI Certificated	218.00	276.00		279.50	3.50-
3502	SUI Classified	193.00	196.00		193.11	2.89
3601	Workers' Compensation Certific	15,002.00	20,072.00		19,952.69	119.31
3602	Workers' Compensation Classifi	14,036.00	14,440.00		14,485.00	45.00-
	Total for Object 3000	380,668.00	471,807.00	.00	428,326.98	43,480.02
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	51,914.00		18,027.39	33,886.61

Balances through June						Fiscal Year 2017/18
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4320	Custodial Grounds Supplies	500.00	600.00		421.13	178.87
4330	Office Supplies	1,000.00	1,000.00		1,014.22	14.22-
4350	Vehicle Upkeep	5,500.00	5,500.00		862.25	4,637.75
4400	Noncapitalized Equipment	22,766.00	28,770.00		4,479.38	24,290.62
	Total for Object 4000	69,135.00	91,635.00	.00	24,804.37	66,830.63
5100	Subagreements for Services	44,000.00	43,000.00		42,963.35	36.65
5200	Travel and Conference	26,817.00	54,761.00		15,531.67	39,229.33
5300	Dues and Membership	19,205.00	19,570.00		13,848.04	5,721.96
5400	Insurance	9,300.00	9,600.00		8,506.00	1,094.00
5500	Operation Housekeeping Service	9,200.00	9,200.00		8,709.04	490.96
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00		1,068.15	2,031.85
5801	Legal Services	20,500.00	20,500.00		8,303.00	12,197.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	613.00	793.00		194.00	599.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00		1,490.96	9.04
5810	Contracted Services	445,615.00	493,256.00		311,201.93	182,054.07
5899	SPJUSD to Reimburse				2,618.63	2,618.63-
5900	Communications	1,900.00	5,200.00		4,206.10	993.90
	Total for Object 5000	583,250.00	661,980.00	.00	418,640.87	243,339.13
6200	Building and Improvement of Bu	18,867.00	22,664.00			22,664.00
6400	Equipment	20,000.00	20,000.00			20,000.00
	Total for Object 6000	38,867.00	42,664.00	.00	.00	42,664.00
7110	County Tuition Inter Dist Agree				9,821.00	9,821.00-
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
	Total for Object 7000	24,428.00	24,428.00	.00	9,821.00	14,607.00
	Total for Fund 01 and Expense accounts	1,916,462.00	2,239,998.00	.00	1,826,730.36	413,267.64
Fund 16 - FOREST RES						
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		22,115.93	8,755.93-
	Total for Fund 16, Expense accounts and Object 7000	93,360.00	93,360.00	.00	22,115.93	71,244.07
	Total for Org 001 - Sierra County Office of Education	2,009,822.00	2,333,358.00	.00	1,848,846.29	484,511.71

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

June 12, 2018

Downieville School, 130 School St, Downieville CA 95936

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

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 6:00pm.

B. ROLL CALL

PRESENT: Patty Hall, President
Allen Wright, Vice President
Sharon Dryden, Clerk
Mike Moore, Member
Jenny Gant, Member

ABSENT: None

C. FLAG SALUTE

D. APPROVAL OF AGENDA

MOORE/DRYDEN

5/0

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. California State Budget May Revise
- b. Addition of Special Education Teacher to vacant position—this is posted
- c. Professional Services Agreement with Barbara McKurtis for 2018-2019—
speech therapy
- d. Professional Services Agreement with Leslie Marsden for 2018-2019—
occupational therapist
- e. Possibility of Grant Funding for Increased Security—election of new Sheriff
last week will play into this piece; Tom and Annie at ALICE training the past
two days
GANT: Any further discussion about window coverings?
GRANT: Still in the works for DVL and LES
- f. Update on Juvenile Justice Committee Probation Funding—has to go through
Board of Supervisors, so more updates month by month
- g. Hillary Lozano ~~2018-2019~~~~2017-2018~~ Friday Night Live Kids Program Advisor
assignment
- h. Assignment of Laurizeth Lizarde-Cabrales, Instructional Aide .71 FTE,
Loyalton High School effective 06/01/2018

2. Business Report

- a. Account Object Summary-Balance from 07/01/2017 to 05/31/2018
- b. California Department of Education Letter of Acceptance of 2017-18 Second
Interim Reports

c. Certification Letter for Fiscal Year 2016-2017 Audit

3. Board Members' Report (5 minutes)
None

4. Public Comment

a. Current location – no comment

b. Videoconference location –

JENNA: President of Sierra Schools Foundation, report out/update on monies awarded and events and programs funded

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held May 8, 2018
2. Approval of Board Report-Checks Dated 05/01/2018 through 05/31/2018
3. Approval of Consolidated Application for 2018-2019
MOORE/WRIGHT
5/0

G. ACTION ITEMS

1. Unfinished Business and General Orders

a. Asphalt and Concrete Projects

1. Contract with CRM for Asphalt Project

GRANT: CRM is Project Manager

MOORE motioned to table Contract to next meeting due to negotiations still in the works. Second by DRYDEN.

5/0

2. Award Bids

GRANT: There are three bid areas to look at.

MOORE motioned to award Hat Creek Construction and Materials at \$47,915 for the AC Seal and Stripe Project. Second by DRYDEN.

5/0

HALL motioned to award Hat Creek Construction and Materials at \$150,899 for the AC Paving Project. Second by DRYDEN.

5/0

MOORE motioned to award BWD Construction at \$38,200 for the Site Concrete Project. Second by GANT.

5/0

2. New Business

PUBLIC HEARING – SELPA

a. Public Hearing opened at 6:29pm for California Department of Education Certification of the Sierra County SELPA Annual Service and Budget Plan and closed without comment.

b. Approval of SELPA Annual Service and Budget Plan

MOORE/WRIGHT

5/0

- c. Adoption of the 2018-2019 Local Control and Accountability Plan (backup available by email and online at www.sierracountyofficeofeducation.org)
GRANT: small updates done online; full update/revision will happen again in the fall—now a three-year plan, used to be required annually
MOORE/DRYDEN
5/0
- d. Adoption of the 2018-2019 Budget and the Criteria & Standards Report
WRIGHT motioned to adopt—no second
MOORE motioned to table adoption of County Budget for 2018-2019 and hold public/special meeting for Board to go through the budget together more in-depth. Second by DRYDEN.
5/0
MOORE: County Budget needs serious review and discussion—showing deficit
HALL: Maybe a session/workshop with Nona
Nona needs to look into timelines since Budget needs to be submitted by end of June.
WRIGHT: Approve Budget now and revise at later date (next meeting) in order to keep restrictions from slowing or stopping operations?
GRANT: We will call CDE immediately tomorrow morning to see what our options are with timeline.
~~~Will hold Special Meeting to review and discuss County Budget on Thursday, June 21<sup>st</sup>, 2018 at 10:00am until done—Room 4 at Sierra County Office of Education, 109 Beckwith Rd, Loyalton, CA 96118
- e. Approve Certificated Substitute Pay rate effective July 1, 2018  
MOORE/DRYDEN  
5/0

#### BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- f. Approval of revisions and deletions from May 8, 2018 meeting as presented and approved during the District meeting  
MOORE/WRIGHT  
5/0
- g. Board Policy 0410, Nondiscrimination in District Programs and Activities, revision
- h. Board Policy AND Administrative Regulation 3514, Environmental Safety, revision
- i. Board Policy 4111/4211/4311, Recruitment and Selection, revision
- j. Board Policy AND Administrative Regulation 4119.11/4219.11/4319.11, Sexual Harassment, revision
- k. Administrative Regulation 4161.1/4361.1, Personal Illness/Injury Leave, revision
- l. Administrative Regulation 4261.1, Personal Illness/Injury Leave, revision  
DRYDEN motioned to approve g-l as presented. Second by MOORE.  
5/0

H. ADVANCED PLANNING

1. Special Meeting will be held on June 21<sup>st</sup>, 2018 at 10:00am at Sierra County Office of Education, 109 Beckwith Rd, Loyalton, CA 96118.
2. Next Regular Board Meeting will be held on July 10, 2018 at Sierra County Office of Education, 109 Beckwith Rd, Loyalton, CA 96118 beginning with Closed Session, as needed, at 5:00pm and the Regular Board Meeting at 6:00pm.
3. Suggested Agenda Items
  - a. Budget should be revised and approved before the next meeting but may need to revisit.

I. ADJOURN at 7:07pm  
DRYDEN/GANT  
5/0

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Sharon Dryden, Clerk

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Dr. Merrill M. Grant, Superintendent



MINUTES FOR THE SPECIAL MEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION  
FOR THE PURPOSE OF:

Budget Workshop and Possible Approval of 2018-19 Sierra County Office of Education Budget  
June 21, 2018

Sierra County Office of Education, 109 Beckwith Rd, Rm 4, Loyalton CA 96118  
Videoconferenced to Downieville School, 130 School St., Downieville, CA 95936  
10:00am Special Meeting Session

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A. CALL TO ORDER

President PATTY HALL called the meeting to order at 10:05am.

B. ROLL CALL

PRESENT: Patty Hall, President  
Allen Wright, Vice President  
Sharon Dryden, Clerk  
Mike Moore, Member  
Jenny Gant, Member

ABSENT: None

C. APPROVAL OF AGENDA

MOORE/DRYDEN

5/0

D. MOORE opened District meeting at 10:06am, then recessed back here to County meeting  
*(admin error in listing both meetings at 10:00am)*

E. PUBLIC COMMENT

Meeting opened for public comment at 10:07 and closed at 10:13 without public comment.  
MOORE spoke to clarify for the public what this meeting was called for, reiterated reasoning for holding workshop and importance of taking the time to discuss the County Budget more in-depth—concerns about deficit spending and projections.

F. ACTION ITEMS

1. Old Business

a. 2018-2019 Budget and Criteria & Standards Report

1. Workshop and In-Depth Review with Board Trustees (Griesert & Grant)
2. Adoption of the 2018-2019 Budget and Criteria & Standards Report  
*(handouts with revisions available at the Sierra County Office of Education or on the website at [www.sierracountyofficeofeducation.org](http://www.sierracountyofficeofeducation.org))*

After extensive discussion MOORE motioned to approve the 2018-2019 County Budget with the revisions presented here today.  
Second by WRIGHT.

5/0

G. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on July 10, 2018 at Sierra County Office of Education, 109 Beckwith Rd, Loyalton, CA 96118 beginning with Closed Session, as needed, at 5:00pm and the Regular Board Meeting at 6:00pm.
2. Suggested Agenda Items  
None

H. ADJOURN at 11:25am  
MOORE/WRIGHT  
5/0

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Sharon Dryden, Clerk

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Dr. Merrill M. Grant, Superintendent

Checks Dated 06/01/2018 through 06/30/2018

| Check Number | Check Date | Pay to the Order of                               | Fund-Object | Comment                         | Expensed Amount | Check Amount |
|--------------|------------|---------------------------------------------------|-------------|---------------------------------|-----------------|--------------|
| 00014945     | 06/12/2018 | CIT                                               | 01-5900     | PHONE SYSTEM/MAINTENANCE        |                 | 735.84       |
| 00014946     | 06/12/2018 | MERRILL GRANT                                     | 01-5200     | PER DIEM/HOTEL/MILEAGE          |                 | 659.29       |
| 00014947     | 06/12/2018 | JANIS HARDEMAN                                    | 01-5810     | NURSE SERVICES                  |                 | 2,050.00     |
| 00014948     | 06/12/2018 | LASSEN COUNTY OFFICE OF EDUCATION                 | 01-5810     | ADAPTIVE PE SERVICES            |                 | 4,456.72     |
| 00014949     | 06/12/2018 | JANE V. LEE, M.A., LMFT                           | 01-5810     | COUNSELING SERVICES             |                 | 2,720.00     |
| 00014950     | 06/12/2018 | LIBERTY UTILITIES CPEC                            | 01-5500     | ELECTRICAL SERVICE              |                 | 124.32       |
| 00014951     | 06/12/2018 | MARY LOWE                                         | 01-5810     | COUNSELING SERVICES             |                 | 4,380.00     |
| 00014952     | 06/12/2018 | LESLIE MARSDEN, MOT, OTR/L                        | 01-5810     | OCCUPATIONAL THERAPY SERVICES   |                 | 3,602.50     |
| 00014953     | 06/12/2018 | BARBARA MCKURTIS                                  | 01-5100     | CONTRACTED CONSULTANT AGREEMENT |                 | 8,212.50     |
| 00014954     | 06/12/2018 | SUSAN ROBERTS                                     | 01-5200     | PER DIEM/HOTEL                  | 39.50           |              |
|              |            |                                                   | 01-5899     | PER DIEM/HOTEL                  | 118.49          | 157.99       |
| 00014955     | 06/12/2018 | SIERRA COUNTY OFFICE OF EDUCATION                 | 01-5808     | BANK SERVICE FEES               |                 | 30.00        |
| 00014956     | 06/12/2018 | TRI COUNTY SCHOOLS INSURANCE GROUP                | 01-9535     | JUNE 18 HEALTH INSURANCE        | 1,600.00        |              |
|              |            |                                                   | 76-9576     | JUNE 18 HEALTH INSURANCE        | 18,868.90       | 20,468.90    |
| 00014957     | 06/12/2018 | VOYAGER                                           | 01-4350     | FUEL EXPENSE                    | 117.17          |              |
|              |            |                                                   | 01-5200     | FUEL EXPENSE                    | 93.12           |              |
|              |            |                                                   | 01-5899     | FUEL EXPENSE                    | 40.50           | 250.79       |
| 00014958     | 06/12/2018 | ALLEN WRIGHT                                      | 01-5200     | PER DIEM                        |                 | 20.44        |
| 00014959     | 06/29/2018 | JENNIFER CESARIN                                  | 01-5810     | LIBRARY CONSULTANT              |                 | 341.60       |
| 00014960     | 06/29/2018 | STATE OF CALIFORNIA DEPARTMENT OF JUSTICE         | 01-5805     | EMPLOYMENT FINGERPRINTING       |                 | 49.00        |
| 00014961     | 06/29/2018 | KATHLEEN EPPS                                     | 01-5200     | MILEAGE                         |                 | 999.53       |
| 00014962     | 06/29/2018 | JENNIFER GANT                                     | 01-5200     | PER DIEM                        |                 | 97.29        |
| 00014963     | 06/29/2018 | GIRARD, EDWARDS, STEVENS & TUCKER LLP             | 01-5801     | LEGAL FEES                      |                 | 1,196.00     |
| 00014964     | 06/29/2018 | JANE V. LEE, M.A., LMFT                           | 01-5810     | COUNSELING SERVICES             |                 | 480.00       |
| 00014965     | 06/29/2018 | LIBERTY UTILITIES CPEC                            | 01-5500     | ELECTRICAL SERVICE              |                 | 107.63       |
| 00014966     | 06/29/2018 | MIKE MOORE                                        | 01-5200     | PER DIEM                        |                 | 27.25        |
| 00014967     | 06/29/2018 | NEVADA COUNTY SUPT OF SCHOOLS ACCOUNTS RECEIVABLE | 01-7110     | 75% PROGRAM COST                |                 | 9,821.00     |
| 00014968     | 06/29/2018 | RAY MORGAN COMPANY                                | 01-5600     | COPIER MAINT.                   |                 | 18.03        |
| 00014969     | 06/29/2018 | SCHOOL SERVICES OF CALIFORNIA                     | 01-5200     | WORKSHOP REGISTRATIONS          | 43.75           |              |
|              |            |                                                   | 01-5899     | WORKSHOP REGISTRATIONS          | 131.25          | 175.00       |
| 00014970     | 06/29/2018 | SIERRA COUNTY OFFICE OF EDUCATION                 | 01-5808     | BANK SERVICE FEES               |                 | 104.99       |
| 00014971     | 06/29/2018 | U.S. BANK                                         | 01-4300     | OFFICE CHAIR/SUPPLIES           | 44.46           |              |
|              |            |                                                   |             | SUPPLIES                        | 17.35           |              |
|              |            |                                                   | 01-5200     | SUPT. TRAVEL EXPENSES           | .14             |              |
|              |            |                                                   | 01-5899     | OFFICE CHAIR/SUPPLIES           | 251.94          |              |
|              |            |                                                   |             | STATE OF THE SCHOOLS            | 415.59          |              |

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

ESCAPE ONLINE

**Checks Dated 06/01/2018 through 06/30/2018**

| Check Number                  | Check Date | Pay to the Order of | Fund-Object | Comment               | Expensed Amount | Check Amount     |
|-------------------------------|------------|---------------------|-------------|-----------------------|-----------------|------------------|
| 00014971                      | 06/29/2018 | U.S. BANK           | 01-5899     | SUPT. TRAVEL EXPENSES | 6.00            | 735.48           |
| 00014972                      | 06/29/2018 | VOYAGER             | 01-4350     | FUEL EXPENSE          | 33.39           |                  |
|                               |            |                     | 01-5200     | FUEL EXPENSE          | 29.10           |                  |
|                               |            |                     | 01-5899     | FUEL EXPENSE          | 45.36           | 107.85           |
| 00014973                      | 06/29/2018 | ALLEN WRIGHT        | 01-5200     | PER DIEM              |                 | 27.26            |
| <b>Total Number of Checks</b> |            |                     |             |                       | <b>29</b>       | <b>62,157.20</b> |

**Fund Summary**

| Fund | Description                     | Check Count | Expensed Amount  |
|------|---------------------------------|-------------|------------------|
| 01   | County School Service Fund      | 29          | 43,288.30        |
| 76   | Payroll Clearing                | 1           | 18,868.90        |
|      | Total Number of Checks          | <b>29</b>   | 62,157.20        |
|      | Less Unpaid Sales Tax Liability |             | .00              |
|      | <b>Net (Check Amount)</b>       |             | <b>62,157.20</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

**BEFORE THE BOARD OF TRUSTEES OF THE  
SIERRA COUNTY OFFICE OF EDUCATION  
CALIFORNIA**

**RESOLUTION NO. 19-001C**

**FUND TRANSFERS for 2018-2019 FISCAL YEAR**

The Board of Trustees of the SIERRA COUNTY OFFICE OF EDUCATION hereby authorizes the Superintendent and Business Manager to:

1. Make transfers between expenditure classification and/or transfers between funds of the budget deemed necessary to permit the payment of obligations of the District incurred during the 2018-2019 fiscal year.
2. Appropriate unbudgeted income, if necessary, in accordance with Education Code 42602.
3. Make necessary inter-budget transfers and revisions.

The foregoing Resolution was passed and adopted by the Board of Trustees of the SIERRA COUNTY OFFICE OF EDUCATION on the 10th day of July 2018, by the following vote:

AYES: HALL, WRIGHT, DRYDEN, MOORE, GANT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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Sharon Dryden, Clerk of the Governing Board

# CSBA POLICY GUIDE SHEET

## July 10, 2018

### **BP 3514.1 - Hazardous Substances**

(BP revised)

Policy updated to reflect legal requirements regarding toxic art and craft supplies, formerly in BP 6161.3 - Toxic Art Supplies.

### **BP 6161.3 - Toxic Art Supplies**

(BP deleted)

Policy deleted and key concepts incorporated into BP 3514.1 - Hazardous Substances.

### **BP/AR 3516 - Emergencies and Disaster Preparedness Plan**

(BP/AR revised)

Policy expands paragraph on the involvement of staff and community groups in plan development, consistent with U.S. Department of Education recommendation. Policy also adds training on staff responsibilities in an emergency or disaster, clarifies staff's legal obligation to serve as disaster service workers, and clarifies that board members are not considered disaster service workers. Regulation expands prevention strategies to include measures to increase the security of school facilities, expands crisis communications methods to include social media and electronic communications, and adds assembly of key information into a "crisis response box" that can be easily accessed in an emergency.

### **AR 3541 - Transportation Routes and Services**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1453)** which authorizes districts to provide for the transportation of adult volunteers to and from educational activities. Regulation also reflects requirement to provide transportation consistent with a student's Section 504 plan, and clarifies the district's responsibility with respect to transportation for homeless students and foster youth.

### **BP/AR 4158/4258/4358 - Employee Security**

(BP/AR revised)

Policy updated to add staff training on procedures for responding to an active shooter situation, condense options on pepper spray to recommend that any possession of pepper spray by employees require advance written permission, and reflect renumbering of legal cite pertaining to pepper spray. Regulation updated to clarify the reporting of an attack, assault, or threat and to modify section on pepper spray consistent with revisions to the BP.

### **AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1556)** which deletes gender-specific references with regard to pregnancy disability leave and clarifies that all employees are protected against pregnancy discrimination regardless of their gender identity. Regulation also reflects **NEW LAW (SB 63)** which extends the requirement to grant parental leave to any district that employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3514.1

### HAZARDOUS SUBSTANCES

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

The Governing Board desires to provide a safe school environment that protects students and employees from exposure to any potentially hazardous substances used in the district's educational program and in the maintenance and operation of district facilities and equipment.

(cf. 3514 - Environmental Safety); (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens) (cf. 4157/4257/4357 - Employee Safety); (cf. 5141.22 - Infectious Diseases); (cf. 5142 - Safety)

Insofar as reasonably possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored and used on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

(cf. 3510 - Green School Operations); (cf. 3514.2 - Integrated Pest Management)

Note: Pursuant to Education Code 49401.5, districts may request consultation services from the Department of Industrial Relations, Division of Occupational Safety and Health, to ensure that hazardous materials are being used and stored safely in schools. See the accompanying administrative regulation for legal requirements related to storage and disposal of hazardous substances.

The Superintendent or designee shall ensure that all potentially hazardous substances on district properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The Superintendent or designee shall develop, implement, and maintain a written hazard communication program in accordance with 8 CCR 5194 and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

(cf. 1240 - Volunteer Assistance)

Note: The following paragraph is for use by districts that offer science laboratory classes, at any grade level, that expose employees to hazardous substances. Pursuant to 8 CCR 5191, any employer that maintains a workplace where there is laboratory use of hazardous chemicals (i.e., where relatively small quantities of hazardous chemicals are used but not produced) is required to have a written chemical hygiene plan to protect employees. See the accompanying administrative regulation for required program components.

In addition, Education Code 49340-49341 encourage educational efforts to increase awareness of students and staff dealing with hazardous materials in school laboratories in order to minimize injuries, loss of property, and classroom disruptions. For further information about safe handling of potentially hazardous substances in science laboratory classes, see the California Department of Education's [Science Safety Handbook for California Public Schools](#).

The Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.

(cf. 6142.93 - Science Instruction)

Note: The following paragraph may be revised to reflect the grade levels offered by the district. Education Code 32064 prohibits the use of arts and crafts materials containing toxic substances in grades K-6, and requires that any materials with toxic substances used in grades 7-12 meet specified labeling standards that inform users of the long-term health risks and provide instructions for safe use. For additional information and a list of materials prohibited in grades K-6, see the California Office of Environmental Health Hazard Assessment publication [Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use](#).

The Superintendent or designee shall not order or purchase for use in grades K-6 any arts and crafts materials containing a substance determined by the California Office of Environmental Health Hazard Assessment to be toxic. The Superintendent or designee shall not purchase any such toxic material for use in grades 7-12 unless it includes a warning label as specified in Education Code 32065 that identifies any toxic ingredients, warns of potential adverse health effects, and describes procedures for safe use and storage. (Education Code 32064)

*Legal Reference:*

EDUCATION CODE

32060-32066 Toxic art supplies in schools

49340-49341 Hazardous substances education

49401.5 Legislative intent; consultation services

49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal

FOOD AND AGRICULTURAL CODE

12981 Regulations re pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

108100-108515 California Hazardous Substances Act

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

CODE OF REGULATIONS, TITLE 8

339 List of hazardous substances

3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

5139-5230 Control of hazardous substances, especially

5154.1-5154.2 Ventilation

5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

5164 Storage of hazardous substances

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

5194 Hazard communication

CODE OF REGULATIONS, TITLE 22

67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2012

CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS

Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016

WEB SITES

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

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

California Office of Environmental Health Hazard Assessment: <http://www.oehha.ca.gov>

Department of Industrial Relations, Cal/OSHA: <http://www.dir.ca.gov/dosh>

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Policy adopted: July 10, 2018



# Sierra County/Sierra-Plumas Joint USD

## Board Policy

Business and Noninstructional Operations

BP 3516

### EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Note: 5 CCR 560 **mandates** that the Governing Board adopt policy for use by district schools in formulating individual civil defense and disaster preparedness plans.

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

Note: Education Code 32282 requires that emergency disaster procedures, including, but not limited to, earthquake emergency procedures, be incorporated into the comprehensive school safety plan. See BP/AR 0450 - Comprehensive Safety Plan and AR 3516.3 - Earthquake Emergency Procedure System. For districts with an average daily attendance (ADA) over 2,500, the comprehensive safety plan is a school-level plan developed by the school site council or school safety planning committee. Districts with an ADA of 2,500 or less may instead choose to develop a districtwide plan. The following paragraph may be revised to reflect district practice and the individuals or groups responsible for developing the disaster preparedness plan.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which ~~details provisions for handling emergencies and disasters and which~~ contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures shall be included in incorporated into the district's comprehensive school safety plan. (Education Code 32282) *(cf. 0400 - Comprehensive Plans) & (cf. 0450 - Comprehensive Safety Plan) & (cf. 3516.3 - Earthquake Emergency Procedure System)*

Note: The following **optional** paragraph reflects a recommendation from the U.S. Department of Education's **Guide for Developing High-Quality School Emergency Operations Plans**, available on its web site, and may be revised to reflect district practice.

In developing the disaster preparedness plan, the Superintendent or designee shall also develop and maintain emergency plans for each ~~involve district staff at all levels, including~~ administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school ~~site~~ psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, he/she shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

~~In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.~~

The Superintendent or designee (cf. 0420 - School Plans/Site Councils) & (cf. 1220 - Citizen Advisory Committees) & (cf. 3513.3 - District Police/Security Department)

Note: In order to be eligible for reimbursement of response-related personnel costs due to a Governor-proclaimed disaster, each district must follow the Standardized Emergency Management System (SEMS) guidelines (Government Code 8607; 19 CCR 2400-2450) to coordinate multiple-jurisdiction or multiple-agency operations. The guidelines urge districts to formally adopt policy language giving clear direction to staff to meet SEMS requirements. Districts may contact the California Governor's Office of Emergency Services (Cal OES) for more information.

In addition, public agencies must comply with the National Incident Management System (NIMS). See the Federal Emergency Management Agency's publication National Incident Management System. In accordance with the State of California Emergency Plan, Cal OES is the principal coordinator for NIMS implementation statewide and will annually communicate, monitor, and implement NIMS requirements in cooperation with state and local agencies.

The plan shall use comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Command Management System when updating district.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and site level exercises to test and refine staff's responsiveness in the event of an emergency and disaster preparedness plans.  
(cf. 4131 - Staff Development) & (cf. 4231 - Staff Development) & (cf. 4331 - Staff Development)

Note: Pursuant to Education Code 32282, a procedure to allow the use of school facilities for mass care and welfare shelters during disasters or other emergencies must be incorporated into the comprehensive school safety plan. See AR 0450 - Comprehensive Safety Plan.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. -The Board shall cooperate with such agencies in furnishing and maintaining whatever services ~~they~~ the district may deem necessary to meet the community's needs. (Education Code 32282)  
(cf. 1330 - Use of School Facilities)

~~School~~ Note: Pursuant to Government Code 3100, all public employees are declared to be disaster service workers. As such, in the event that a local or state emergency has been proclaimed or a federal disaster declaration has been made, district staff may be directed to perform jobs other than their usual duties for periods of time exceeding their normal working hours. In those cases, their workers' compensation insurance coverage becomes the responsibility of Cal OES, but their overtime is paid by the district. For further information, see the Cal OES publication School Emergency Response: Using SEMS at Districts and Sites.

Government Code 3100-3109 require all disaster service workers to take the oath or affirmation of allegiance to the U.S. Constitution contained in the California Constitution, Article 20, Section 3; see AR/E 4112.3/4212.3/4312.3 - Oath or Affirmation. Although Board members are required to take the same oath upon entering office (see BB 9224 - Oath or Affirmation), they are not considered disaster service workers according to the definition in Government Code 3101.

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation) & (cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

*Legal Reference:*

EDUCATION CODE

32001 Fire alarms and drills  
 32040 Duty to equip school with first aid kit  
 32280-32289 School safety plans  
 32290 Safety devices  
 39834 Operating overloaded bus  
 46390-46392 Emergency average daily attendance in case of disaster  
 49505 Natural disaster; meals for homeless students; reimbursement

CIVIL CODE

*1714.5 Release from liability for disaster service workers and shelters*

GOVERNMENT CODE

3100-3109 Public employees as disaster service workers; *oath or affirmation*  
 8607 Standardized emergency management system

CALIFORNIA CONSTITUTION

*Article 20, Section 3 Oath or affirmation*

CODE OF REGULATIONS, TITLE 5

550 Fire drills  
 560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

*Management Resources:*

CSBA CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

911! A Manual for Schools and the Media During a Campus Crisis, 2004

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

*Crisis Response Box, 2000*

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

*Active Shooter Awareness Guidance, February 2018*

*State of California Emergency Plan, 2017*

*School Emergency Response: Using SEMS at Districts and Sites, June 1998*

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*National Incident Management System, 3rd ed., October 2017*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

*Guide for Developing High-Quality School Emergency Operations Plans, 2013*

Management Resources:

WEB SITES

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

American Red Cross: <http://www.redcross.org>

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

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Governor's Office of Emergency Management Agency Services: <http://www.ealema.caloes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

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

Contra Costa County Office of Education, Pandemic influenza resources: [http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning: [http://www2.ed.gov/admins/lead/safety/emergencyplan\\_crisisplanning.html](http://www2.ed.gov/admins/lead/safety/emergencyplan_crisisplanning.html)

U.S. Department of Homeland Security: <http://www.dhs.gov>

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Policy adopted: April 10, 2007  
 revised: July 10, 2018

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations AR 3516

### EMERGENCIES AND DISASTER PREPAREDNESS PLAN

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

The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1.     Fire on or off school grounds which endangers students and staff  
(*cf. 3516.1 - Fire Drills and Fires*)
2.     Earthquake, flood, or other natural disasters  
(*cf. 3516.3 - Earthquake Emergency Procedure System*)
3.     Environmental hazards, such as leakages or spills of hazardous materials  
(*cf. 3514 - Environmental Safety*) & (*cf. 3514.2 - Integrated Pest Management*)
4.     Attack or disturbance, or threat of attack or disturbance, by an individual or group  
(~~*cf. 3515 - Campus Security*~~) (*cf. 3515.2 - Disruptions*) & (*cf. 3515.7 - Firearms on School Grounds*) &  
(*cf. 5131.4 - Student Disturbances*)
5.     Bomb threat or actual detonation  
(*cf. 3516.2 - Bomb Threats*)
6.     Biological, radiological, chemical, and other activities, or heightened warning of such activities
7.     Medical emergencies and quarantines, such as a pandemic influenza outbreak  
(*cf. 5141.22 - Infectious Diseases*)

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1.     Regular inspection of school facilities and equipment ~~and~~, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities  
(*cf. 3513.3 - District Police/Security Department*) (~~*cf. 3515 - Campus Security*~~) & (*cf. 3517 - Facilities Inspection*) & (*cf. 3530 - Risk Management/Insurance*)
2.     Instruction for district staff and ~~practice for~~ students ~~and employees~~ regarding emergency plans, including:
  - a.     Training of staff in first aid and cardiopulmonary resuscitation
  - b.     Regular practice of emergency procedures by students and staff  
(*cf. 4131 - Staff Development*) & (*cf. 4231 - Staff Development*) & (*cf. 4331 - Staff Development*)
3.     Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

- a.— The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
  - b.— Individuals responsible for specific duties
  - c.— Designation of the principal for the overall control and supervision of activities at each school during ~~the~~an emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
  - d.— Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
  - e.— Assignment of responsibility for identification of injured persons and administration of first aid
- 4.— Personal safety and security, including:
- a.— Identification of areas of responsibility for the supervision of students
  - b.— Procedures for the evacuation of students and staff, including posting of evacuation routes
  - c.— Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible  
(*cf. 5141 - Health Care and Emergencies*) & (*cf. 5142 - Safety*)
- Note: Although loading a school bus in excess of capacity is generally prohibited, Education Code 39834 allows the Governing Board to adopt a policy or rule permitting such overloading for the evacuation of students in case of an emergency, as provided in the following paragraph.
- d.— Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety  
(*cf. 3543 - Transportation Safety and Emergencies*)
  - e.— Provision of a first aid kit to each classroom
  - f.— Arrangements for students and staff with special needs  
(*cf. 4032 - Reasonable Accommodation*) & (*cf. 6159 - Individualized Education Program*) & (*cf. 6164.6 - Identification and Education Under Section 504*)
  - g.— Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease  
(*cf. 4161.1/4361.1 - Personal Illness/-Injury Leave*) & (*cf. 4261.1 - Personal Illness/Injury Leave*) & (*cf. 5113 - Absences and Excuses*) & (*cf. 6183 - Home and Hospital Instruction*)
- 5.— Closure of schools, including an analysis of:
- a.— The impact on student learning and methods to ensure continuity of instruction
  - b.— How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

(cf. 3516.5 - Emergency Schedules)

- 6.— Communication among staff, parents/guardians, the **Governing Board of Education**, other governmental agencies, and the media during an emergency, including:
- a.— Identification of spokesperson(s)  
(cf. 1112 - Media Relations)
  - b.— Development and testing of communication platforms, such as hotlines, telephone trees, **and web sites, social media, and electronic notifications**  
(cf. 1113 - District and School Web Sites) & (cf. 1114 - District-Sponsored Social Media)
  - c.— Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
  - d.— Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
- 7.— Cooperation with other state and local agencies, including:
- a.— Development of guidelines for law enforcement involvement and intervention
  - b.— Collaboration with the local health department, including development of a tracking system to alert the local health department **toof** a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease  
(cf. 1400 - Relations **between** Between Other Governmental Agencies and the Schools)
- 8.— Steps to be taken after the disaster or emergency, including:
- a.— Inspection of school facilities
  - b.— Provision of mental health services for students and staff, as needed  
(cf. 6164.2 - Guidance/Counseling Services)

Note: The following **optional** paragraph reflects a recommendation of the California Office of the Attorney General and the California Department of Education (CDE) in their joint publication Crisis Response Box, which is available on the CDE's web site.

The Superintendent or designee shall assemble key information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, and procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

Business and Noninstructional Operations

AR 3541

### TRANSPORTATION ROUTES AND SERVICES

Note: The following administrative regulation is for use by districts that choose to provide transportation services for students to and from school, either through their own transportation system, contracting out, or other methods, as authorized by Education Code 39800.

The Superintendent or designee shall design transportation routes and stops within district boundaries that promote student safety, maximum efficiency in the use of buses, and decreased traffic in and around the schools.

(*cf. 3510 - Green School Operations*) & (*cf. 3514 - Environmental Safety*) & (*cf. 3540 - Transportation*)

Note: 5 CCR 15241 establishes minimum transportation distances for determining district reimbursement for transportation expenses. These distances are measured from the point the student boards the bus at the regular stop to the school by the shortest traveled road.

The numbers listed below reflect reimbursement minimums pursuant to 5 CCR 15241. Districts should revise the following list to reflect appropriate grades and applicable distances.

Students shall be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:  
 Grades K-3: three-fourths mile  
 Grades 4-8: one mile
2. For students attending a three-year junior high school:  
 Grades 7-9: one mile
3. For students attending a four-year high school:  
 Grades 9-12: two miles

The Superintendent or designee may authorize transportation below these limits when safety problems or hazards exist.

(*cf. 5142.2 - Safe Routes to School*)

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules, and stops. He/she may also arrange for local media to publish such information.

(*cf. 1112 - Media Relations*)

Note: Items #1-10 below should be revised to reflect services provided or contracted for by the district.

With the Governing Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)  
 (*cf. 3541.1 - Transportation for School-Related Trips*)

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)

Note: Education Code 39837.5, as amended by AB 1453 (Ch. 173, Statutes of 2017), authorizes districts to provide for the transportation of adult volunteers to and from educational activities.

4. District employees, parents/guardians, and adult volunteers traveling to and from educational activities authorized by the district (Education Code 39837.5)

~~5. Preschool or nursery school students (Education Code 39800)  
(cf. 5148.3 - Preschool/Early Childhood Education)~~

6. Students traveling to full-time occupational classes provided by a regional occupational center or program (Education Code 39807.5, 41850)  
(cf. 6178.2 - Regional Occupation Center/Program)

7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)

8. Matriculated or enrolled adults traveling to and from school, or adults for educational purposes other than to and from school (Education Code 39801.5)  
(cf. 6200 - Adult Education)

9. Private school students, upon the same terms, in the same manner, and on the same routes provided for district students (Education Code 39808)

10. Nonschool purposes as allowed by law, such as:

- a. Community recreation (Education Code 39835)
- b. Public transportation (Education Code 39841)

Note: Item #10c is for use only by districts that have entered into a contract with a federal, state, or local agency pursuant to Education Code 39840 to grant the use of a school bus to transport employees of that agency to and from their places of employment, provided that the district already provides transportation to and from school for students residing on the government agency's property, public transportation is not reasonably available to the agency's employees, and the transportation of agency employees does not interfere with the district's use of school buses for school transportation purposes.

- c. Transportation of government employees to and from their places of employment (Education Code 39840)

Students who attend school outside of their school attendance area or district boundaries may be eligible for transportation services in accordance with district policy.

(cf. 5116.1 - Intradistrict Open Enrollment) & (cf. 5117 - Interdistrict Attendance)

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education program or Section 504 plan. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4, 300.17, 300.34)

(cf. 3541.2 - Transportation for Students with Disabilities) & (cf. 6159 - Individualized Education Program) & (cf. 6164.6 - Identification and Education Under Section 504)



Note: The McKinney-Vento Homeless Assistance Act (42 USC 11432) mandates that the district adopt policies and practices to ensure that transportation is provided to homeless students who have moved, but have decided to continue to attend their school of origin. See BP/AR 6173 - Education for Homeless Children for language implementing this mandate.

The Superintendent or designee shall provide transportation to homeless students in accordance with law, Board policy, and administrative regulation. When the student resides outside of district boundaries, the Superintendent or designee shall consult with the superintendent of the district of residence to apportion the responsibility and costs of transportation. (42 USC 11432)  
(*cf.* 6173 - *Education for Homeless Children*)

The Superintendent or designee shall collaborate with the local child welfare agency to determine the provision, arrangement, and funding of transportation to enable foster youth to attend their school of origin when it is in the student's best interest to do so. (20 USC 6312)  
(*cf.* 6173.1 - *Education for Foster Youth*)

*Legal Reference:*

EDUCATION CODE

10900.5 Use of school buses for community recreation  
 35330 Excursions and field trips  
 35350 Authority to transport pupils  
 39800-39809.5 Transportation, general provisions, especially:  
 39800 Powers of governing board to provide transportation to and from school  
 39801.5 Transportation for adults  
 39808 Transportation for private school students  
 39830-39843 School buses, especially:  
 39835 Use of school buses for community recreation  
 39837 Transportation to summer employment program  
 39837.5 Transportation of employees, parents/guardians, and adult volunteers to school activities  
 39860 Transportation to school activities  
 41850-41856 Allowances for transportation  
 41860-41863 Supplementary allowances for transportation  
 48853.5 Educational placement of students residing in licensed children's institutions  
CODE OF REGULATIONS, TITLE 5  
 15240-15244 Allowances for student transportation, definitions  
UNITED STATES CODE, TITLE 20  
 1400-1482 Individuals with Disabilities Education Act  
 6312 Transportation to maintain children in foster care in school of origin  
UNITED STATES CODE, TITLE 42  
 11432 McKinney-Vento Homeless Assistance Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
 104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504  
 300.17 Free appropriate public education  
 300.34 Special education related services

*Management Resources:*

CSBA PUBLICATIONS

*Special Education Pupil Transportation: Considerations in the Era of LCFF, Governance Brief, April 2014*

WEB SITES

California Department of Education, Office of School Transportation: <https://www.cde.ca.gov/ls/tm/or/assignment.asp>  
 Pupil Transportation Safety Institute: <http://www.ptsi.org>

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Regulation adopted: July 10, 2018

\*\*Please review **highlighted** section on page 2 – keep or delete?

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

All Personnel

BP 4158

4258

### EMPLOYEE SECURITY

4358

Note: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation are **optional** and may be revised to reflect district practice.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing ~~them with~~ necessary assistance and support when emergency situations occur.

*(cf. 0450 - Comprehensive Safety Plan) & (cf. 3515 - Campus Security) & (cf. 5131.4 - Student Disturbances)*

Note: Code of Civil Procedure 527.8 allows the district to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. In City of San Jose v. William Garbett, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. ~~The~~ As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. ~~In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.~~

Note: Education Code 48905 provides that an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student, or his/her parent/guardian pursuant to Education Code 48904. Education Code 48904 provides that a parent/guardian will be liable for damages caused by his/her minor child's willful misconduct resulting in injury to a district student, employee, or volunteer or damage to district or employee property. Also see BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. The district should consult legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her parent/guardian to recover damages to the employee or his/her property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of his/her duties. (Education Code 48904, 48905)

*(cf. 3320 - Claims and Actions Against the District) & (cf. 3515.4 - Recovery for Property Loss or Damage) & (cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement) & (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

The Superintendent or designee shall ensure that employees ~~are trained~~ receive training in crisis prevention and intervention techniques in order to protect themselves and students.— Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.  
(cf. 4131 - Staff Development) & (cf. 4231 - Staff Development) & (cf. 4331 - Staff Development)

The Superintendent or designee also shall ~~ensure that employees are informed~~ inform teachers, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.  
(cf. 5141 - Health Care and Emergencies)

### **Use of Pepper Spray**

Note: The following section is optional and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow with certain exceptions the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures.

Employees ~~may~~ shall not carry or possess pepper spray on school property or at school activities. ~~On a case-, except when authorized by case-basis, however,~~ the Superintendent or designee ~~may allow for self-defense purposes.~~ When allowed, an employee ~~to~~ may only possess pepper spray that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.  
(cf. 4118 - Dismissal/Suspension/Disciplinary Action) & (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

### **Reporting of Injurious Objects**

Note: The following optional section specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for such action.

The Board requires employees to take immediate action upon being made aware that any person is in possession of ~~ana~~ a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and ~~based upon this analysis,~~ shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately

2. Immediately notify the principal, who shall take appropriate action

3. Immediately call 911 and the principal

(cf. [3515.7 - Firearms on School Grounds](#)) & (cf. [5131.7 - Weapons and Dangerous Instruments](#)) & (cf. [5144 - Discipline](#)) & (cf. [5144.1 - Suspension and Expulsion/Due Process](#)) & (cf. [5144.2 - Suspension and Expulsion/Due Process \(Students with Disabilities\)](#))

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

*Legal Reference:*

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, ~~including~~*especially*:

241.3 Assault against school bus drivers

241.6 Assault on school employee ~~includes~~*including* board member

243.3 Battery against school bus drivers

243.6 Battery against school employee ~~includes~~*including* board member

245.5 Assault with deadly weapon; ~~against~~ school employee ~~includes~~*including* board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking

~~12403.7 Weapons approved for self defense~~

~~22810 Purchase, possession, and use of tear gas~~

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

*City of San Jose v. William Garbett*, (2010) 190 Cal. App. 4th 526

*Management Resources:*

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/ls/ss>

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

Policy adopted: April 10, 2007

revised: May 10, 2011

revised: July 10, 2018

# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

All Personnel AR 4158

4258

EMPLOYEE SECURITY 4358

An employee may use reasonable and necessary force for ~~his/her~~ self-defense, or defense of another person, ~~or protection of property~~; to quell a disturbance threatening physical injury to others; or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

*(cf. 5131.7 - Weapons and Dangerous Instruments) & (cf. 5144 - Discipline)*

Employees Note: Pursuant to Education Code 44014, it is the duty of an employee and his/her immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for so doing.

Although the law only requires employees to report attacks, assaults, or threats made by students, the following paragraph requires employees to report any attack, assault, or threat made against them by any other individual on school grounds.

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against ~~them by a student~~ him/her by a student or by any other individual in relation to the employee's performance of his/her duties, and any action the employee took in response. When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.

*(cf. 3515.2 - Disruptions)*

~~Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)~~

~~In addition, employees shall promptly report to the principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.~~

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

*(cf. 3320 - Claims and Actions Against the District) & (cf. 3515.4 - Recovery for Property Loss or Damage) & (cf. 3530 - Risk Management/Insurance)*

### Notice Regarding Student Offenses Committed While Under School Jurisdiction

Note: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in, or is reasonably suspected ~~of, to have engaged in~~ any act ~~during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of, except~~ the possession or use of tobacco products, ~~or Education Code 48900.2, 48900.3, 48900.4, or 48900.7.~~ that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)  
(*cf. 5125 - Student Records*) & (*cf. 5144.1 - Suspension and Expulsion/Due Process*)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

~~An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian pursuant to Education Code 48905.~~

### **Notice Regarding Student Offenses Committed While Outside School Jurisdiction**

Note: The following **optional** paragraph is for use by districts maintaining a district police or security department. Welfare and Institutions Code 828 specifies that information gathered by a law enforcement agency relating to a minor taken into custody may be disclosed to a school district police or security department. The following paragraph addresses the authority of the district police department to utilize such information as it pertains to certain offenses committed by students.

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)  
(*cf. 3515.3 - District Police/Security Department*)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. ~~The principal shall also may~~ inform any teacher or administrator directly supervising or reporting on the student's behavior or progress whom he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

### **Procedures to Maintain Confidentiality of Student Offenses**

Note: The following section describes procedures for maintaining confidentiality of student records and documenting the district's good faith effort to notify counselors or teachers about student offenses. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine. This section may be modified to reflect district practice.

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. ~~The staff member shall be asked to initial the notification and return it to the principal or designee.~~ He/she shall also initial the student's file when reviewing it in the school office.

~~The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.~~

## Use of Pepper Spray

~~Employees who possess pepper spray on school property shall be notified~~ Note: The following optional section may be revised to reflect district practice.

~~The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.~~

~~When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:~~

1. ~~The pepper spray shall be used only in self-defense.~~
2. ~~An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment. (cf. 4118 - Dismissal/Suspension/Disciplinary Action) & (cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~
3. ~~Employees shall ensure that the~~ The pepper spray ~~is~~ **must be** stored in a secure place and not ~~be~~ accessible to students or other individuals. ~~An employee who is negligent in the~~ **Negligent** storage of ~~the~~ pepper spray may ~~be~~ subject **the employee** to disciplinary action.

~~Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.~~

SIERRA COUNTY OFFICE OF EDUCATION  
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
 Regulation approved: April 10, 2007  
 revised: May 10, 2011  
 revised: July 10, 2018



# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

|                      |           |
|----------------------|-----------|
| <u>All Personnel</u> | AR 4161.8 |
|                      | 4261.8    |
|                      | 4361.8    |

### FAMILY CARE AND MEDICAL LEAVE

Note: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under California law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

As amended by AB 1556 (Ch. 799, Statutes of 2017), Government Code 12945 and 12945.2 delete references to females with regard to pregnancy disability leave and clarify that all employees are protected against pregnancy discrimination regardless of their gender identity.

The district shall not ~~interfere with, restrain, or deny the exercise or attempted exercise by~~ any eligible employee ~~of his/her~~ the right to ~~any~~ family care ~~and~~, medical ~~leave~~, or pregnancy disability leave (PDL) ~~provided through pursuant to~~ the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA); ~~nor~~ restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against ~~any employee for his/her involvement in any inquiry or proceeding related to any~~ him/her for taking such leave ~~under any of these laws or for~~ his/her opposition to or challenge of any unlawful district practice in relation to any ~~rights granted by any of these laws, or for his/her involvement in any related inquiry or proceeding.~~ (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615) (*cf.* 4030 - Nondiscrimination in Employment) & (*cf.* 4032 - Reasonable Accommodation) & (*cf.* 4033 - Lactation Accommodation)

### Definitions

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

*Child (son or daughter)* means a biological, adopted, or foster child; a stepchild; a legal ward; or a child ~~of a person standing to whom the employee stands~~ in loco parentis, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

*Eligible employee for FMLA and CFRA purposes* means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. ~~However, these requirements shall not apply when an employee applies for PDL.~~ (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

*Employee disabled by pregnancy* means ~~a woman who, in the opinion of her~~ an employee whose health care provider ~~states that the employee is unable;~~ (2 CCR 11035)

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

*Parent* means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in *loco parentis* to the employee when the employee was a child. ~~-Parent~~ does not include a spouse's parents. (Government Code 12945.2; 2 CCR ~~7297.0~~11087; 29 USC 2611; 29 CFR 825.122)

*Serious health condition* means an illness, injury, (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
  - a. A period of incapacity of more than three consecutive full days
  - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
  - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
  - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
  - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

*Spouse* means a partner in marriage as defined in Family Code 300. ~~In addition, for purposes of CFRA,~~ including same sex partners in marriage, or a registered domestic partner shall have within the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. ~~(meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 7297.0~~11087; 29 CFR 825.122)

## Eligibility

Note: Pursuant to Government Code 12945.2 and 29 USC 2611, a district is required to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements generally apply to circumstances where the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed.

Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (~~Family Code 297.5~~; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position

Note: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, son, daughter, or parent who is a military member is on covered active duty during deployment to a foreign country. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

Note: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. To care for a covered servicemember with a serious injury or illness if the ~~employee covered servicemember~~ is the employee's spouse, child, parent, or next of kin, as defined, ~~of the servicemember~~

Note: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child. Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any ~~pregnant female~~ employee ~~PDL during pregnancy, when she who~~ is disabled by pregnancy, childbirth, or ~~any other~~ related medical condition. (Government Code 12945; 2 CCR ~~7291.4~~11037)

## Terms of Leave

Note: Leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would be 12 work weeks.

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

Note: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. **Whichever option is selected, it must be applied uniformly to all employees.** If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

OPTION 1: This 12-month period shall coincide with the calendar year. (29 CFR 825.200)

**OPTION 2: This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)**

OPTION 3: This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

Note: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months.

In addition, ~~for each~~ any employee who is disabled by pregnancy, ~~a female employee childbirth, or other related condition~~ shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR ~~7291.9~~11042)

Note: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy.- At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of ~~her~~a child, ~~if or to bond with or care for the child has been born by this date (e.g., baby bonding), whether or not she or the child has a serious health condition or disability.~~ To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945, 12945.2; 2 CCR ~~7291.13, 7297.6~~11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. -Such leave does not need to be taken in one continuous period of time. ~~The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions.~~ (2 CCR ~~7297.3~~11090; 29 USC 2612)

Note: The following optional paragraph is for use by districts that choose to limit family care and medical leave related to the birth or placement of a child to a total of 12 work weeks when both parents work for the district, as authorized by Government Code 12945.2 and 12945.6. However, pursuant to 2 CCR 11088, such limit on employees' entitlement to family care and medical leave for any other qualifying purpose is prohibited.

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply ~~whether~~regardless of the ~~parents are married, not married, or registered domestic partners.~~legal status of both parents' relationship. (Government Code 12945.2, 12945.6; 2 CCR ~~7297.1~~11088; 29 USC 2612)

### Use/Substitution of Paid Leave

Note: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee. The district and employee may also negotiate for the employee's use of any paid or unpaid time off instead of using the employee's CFRA leave.

**OPTION 1:** An employee shall ~~substitute~~use his/her accrued vacation leave, other accrued time off, and any other paid ~~or unpaid~~ time off negotiated with the district for any otherwise unpaid FMLA or CFRA leave not involving his/her own serious health condition ~~or pregnancy disability.~~ For ~~the employee's~~ PDL, CFRA, or FMLA ~~or CFRA~~ leave due to his/her an employee's own serious health condition, the employee shall use accrued sick leave ~~pursuant to the collective bargaining agreement and/or Board policy and~~ and may use accrued vacation leave and other paid ~~or unpaid~~ time off at his/her option. (Government Code 12945, 12945.2, 12945.6; 2 CCR ~~7291.1~~11044; 29 USC 2612)

OPTION 2: During the period of PDL or any FMLA or CFRA leave, the employee may elect to use his/her accrued vacation leave, accrued sick leave, or any other paid time off negotiated with the district that he/she is eligible to use. (Government Code 12945, 12945.2, 12945.6; 2 CCR 11044; 11092; 29 USC 2612)

Note: The following paragraph is for use with either option above.

The district and employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

*(cf. 4141/4241 - Collective Bargaining Agreement) & (cf. 4161/4261/4361 - Leaves) & (cf. 4161.1/4361.1 - Personal Illness/Injury Leave) & (cf. 4261.1 - Personal Illness/Injury Leave)*

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district ~~may~~shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave; provided it is not to be greater than one hour. (2 CCR ~~7291.9, 7297.3~~11042, 11090; 29 USC 2612)

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

Note: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position ~~if the~~under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. ~~The~~ employee ~~is pregnant and provides medical certification from her health care provider of the medical need for~~needs intermittent leave or leave on a reduced work ~~or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule~~ that is foreseeable based on ~~his/hers~~a planned medical treatment ~~for the employee or that of a~~ family member. ~~This~~

Note: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR ~~7291.8, 7297.3~~11041, 11090; 29 USC 2612)

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

## **Request for Leave**

~~An~~Note: Pursuant to 2 CCR 11050 and 11091, an employee ~~shall~~is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware ~~of that~~ the ~~need to take PDL or family care and medical~~employee needs qualifying leave, and the anticipated timing and duration of the leave. ~~(2 CCR 7291.17, 7297.4)~~However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an employee's refusal to provide further information, legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement; ~~however.~~ However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR ~~7297.4~~11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Note: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. ~~(2 CCR 7297.4)~~ Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

~~When~~ Note: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for the family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."  
Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave is foreseeable at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. ~~The~~ Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR ~~7291.17, 7297.4~~ 11050, 11091)

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

## **Certification of Health Condition**

Note: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL or family care and medical leave for his/her own serious health condition or to care for a child, parent, or spouse with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this section should request a medical certification from all employees.  
Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050 or 11097, as applicable.

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. -Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR ~~7297.4~~ 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR ~~7297.0~~ 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of the condition

Note: Item #3 below addresses an eligible employee's request for leave to care for his/her child, parent, or spouse. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved.

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

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

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. ~~(2 CCR 11091; 29 CFR 825.301)~~

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. ~~If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)~~

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. ~~If the need for PDL is~~

~~unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 7291.1711050)~~

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. ~~When this is not practicable, the employee shall provide~~



the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR ~~7291.17~~11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because ~~she~~the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR ~~7291.17~~11050)

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

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR ~~7291.17~~11050; 29 USC 2613)

Note: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit employers from requesting or requiring genetic information of employees or family members of employees unless specifically authorized by law. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.

~~The Superintendent or designee shall not request any genetic information~~Fitness for Duty Certification/related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

### **Release to Return to Work**

Note: The following **optional** section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from his/her health provider, stating that he/she is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, the fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the essential functions of his/her job with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work. The certification shall address the employee's ability to perform the essential functions of his/her job. (cf. 4112.4/4212.4/4312.4 - *Health Examinations*)

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

### **Rights to Reinstatement**

Note: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position when he/she returns from such

leave. However, such an employee has no greater right to reinstatement or other benefits than he/she would have if he/she had been continuously employed. In addition, in certain situations described below, the district may be relieved of the obligation to reinstate an employee.

The process for determining whether an employee is a "key employee" to whom the guarantee of reinstatement would not apply requires a detailed analysis and specific notifications to the employee. Legal counsel should be consulted if the district intends to deny leave or reinstatement.

Upon granting an employee's request for PDL or ~~family care and medical~~ FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR ~~7291.10~~11043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from ~~family care and medical~~ FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.  
(*cf. 4117.3 - Personnel Reduction*) & (*cf. 4217.3 - Layoff/Rehire*)

The district may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR ~~7291.10~~11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

Note: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL ~~or~~and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. -The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR ~~7291.11~~11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental

unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not ~~be required to~~ make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR ~~7291.11~~11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

Note: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to the U.S. Department of Labor's (DOL) Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, an employee may take all 12 weeks of his/her FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

Because CFRA does not cover similar leave, CFRA leave is not exhausted when utilizing military family leave.

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during ~~the each~~ 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or ~~call to covered active duty status for one or more qualifying exigencies.~~ (29 USC 2612; 29 CFR 825.126)

~~Military member means an employee's spouse, son, daughter, or parent on covered active duty or on~~ call to covered active duty status. ~~(29 USC 2612; 29 CFR 825.126)~~

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

Note: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "any other event" agreed to by the district and the employee. As an example of such other event, the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers lists leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

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

1. Address issues arising from short notice deployment ~~(of up to seven calendar days from the date of receipt of call or order of short notice deployment)~~
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange ~~child care~~ child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recovery leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

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

Note: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

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

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

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

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

### **Military Caregiver Leave**

Note: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. As is the case with other FMLA leaves, only districts that employ at least 50 employees within 75 miles of the worksite where the employee requesting the leave is employed are required to grant the military caregiver leave; see the section entitled "Eligibility" above.

According to the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date ~~of the~~ leave is taken, to ~~an eligible employee to~~ care

for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, ~~an~~ the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

*Covered servicemember* may be: (29 CFR 825.127)

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

Note: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "son or daughter," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

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

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

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

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

Note: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to qualify as a "serious injury or illness" for the purpose of this leave.

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

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a.- A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
  - b.- A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

- c.- A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d.- An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

Note: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 and 825.303 require the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

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

Note: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is **optional**. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

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

Note: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

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

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA leave is also applicable to military caregiver leave.

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

## Notifications

Note: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

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

1. **General Notice:** Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR ~~7291.16, 7297.9~~11049, 11095; 29 USC 2619)

Note: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following **optional** paragraph is for use by districts that require employees to provide advance notice.

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need ~~for the leave~~ is reasonably foreseeable: at least 30 days prior to the start of the leave. (2 CCR ~~7291.17, 7297.4~~11050, 11091)

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

2. **Eligibility Notice:** - When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR ~~7291.16~~11049, 11091; 29 CFR 825.300)
3. **Rights and Responsibilities Notice:** Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. -Such notice shall include, as ~~appropriate~~applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

Note: Item #3b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to ~~substitute~~use paid leave, whether the district will require ~~substitution~~use of paid leave, conditions related to any ~~substitution~~use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

- e. ~~If applicable, the~~ The employee's status as a "key employee," ~~" if applicable,~~ potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial
- f.- The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

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

4. **Designation Notice:** When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. ~~(2 CCR 11091;~~ 29 CFR 825.300)

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

Note: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

If the district requires paid leave to be ~~substituted for~~ used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a ~~fitness-for duty~~ release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. ~~(2 CCR 11091, 11097;~~ 29 CFR 825.300)

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

## Records

Note: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

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



*Legal Reference:*EDUCATION CODE44965 *Granting of leaves of absence for pregnancy and childbirth*FAMILY CODE297-297.5 *Rights, protections, and benefits under law; registered domestic partners*300 *Validity of marriage*GOVERNMENT CODE12926 *Fair employment and housing act, definitions*12940 *Unlawful employment practices*12945 *Pregnancy; childbirth or related medical condition; unlawful practice*12945.1-12945.2 *California Family Rights Act*12945.6 *Parental leave*12946 *Fair Employment and Housing Act: discrimination prohibited*CODE OF REGULATIONS, TITLE 27291.2-7291.17-11035-11051 *Sex discrimination: pregnancy, childbirth and related medical conditions*7297.0-7297.11-11087-11098 *California Family care leave Rights Act*UNITED STATES CODE, TITLE 17 *Definition of marriage*UNITED STATES CODE, TITLE 292601-2654 *Family and Medical Leave Act of 1993, as amended*UNITED STATES CODE, TITLE 422000ff-1-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*CODE OF FEDERAL REGULATIONS, TITLE 29825.100-825.800 *Family and Medical Leave Act of 1993*COURT DECISIONS*United States v. Windsor, (2013) 699 F.3d 169**Re Marriage Cases, (2008) 43 Cal.4th 757**Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864**Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045**Management Resources:*FEDERAL REGISTER*The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages 8903-8947*U.S. DEPARTMENT OF LABOR PUBLICATIONS*Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers*WEB SITES*California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>**U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>*

SIERRA COUNTY OFFICE OF EDUCATION

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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