

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

October 9, 2018

5:00pm CLOSED Session

6:00pm Regular Session

Downieville School, 130 School St, Downieville CA 95936

Videoconferencing will be available at Sierra County Office of Education, 109 Beckwith Rd, Loyalton CA 96118

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

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

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

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

A. CALL TO ORDER

Please be advised that this meeting will be recorded.

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PUBLIC COMMENT FOR CLOSED SESSION

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

E. CLOSED SESSION

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

1. Government Code 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organizations:

Represented Employees:

Sierra-Plumas Teachers' Association

Unrepresented Employees:

Classified Employees

Confidential Employees

Administrative Employees

2. Government Code 54956.9

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of

Section 54956.9: 2 cases

a. Case # 11153

b. Case # 11138

F. RETURN TO OPEN SESSION

ADJOURN FOR BREAK

G. 6:00PM – RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

J. CORRESPONDENCE

1. SCOE 2018-19 Budget disapproved until LCAP complete and approved per CDE letter 9/17/2018**

K. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
 - a. Update on LES Concrete Project
 - b. Hillary Lozano assigned to 2018-2019 Friday Night Live, Friday Night Kids and Club Live program advisor at Downieville School
 - c. Ron Jacobson assigned to 2018-2019 Friday Night Live, Club Live program advisor at Loyalton High
2. Business Report
 - a. Account Object Summary-Balance from 07/01/2018 to 09/30/2018**
3. Staff Report (5 minutes)
4. Board Member Reports (5 minutes)
5. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. 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

L. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held September 11, 2018**
2. Approval of Board Report-Checks Dated 09/01/2018 through 09/30/2018**
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 09/30/2018. 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 09/30/2018.

M. ACTION ITEMS

1. New Business

PUBLIC HEARING—Textbooks and Instructional Materials

- a. Public Hearing to receive comments on the sufficiency of textbooks and instructional materials for Kindergarten through 12th grade in each subject and to assure that they are aligned with the state standards adopted pursuant to Ed. Code 60605 or 60605.8. Also meet the reporting and sufficiency requirements contained in Ed. Code 60119.

- b. Adoption of Resolution No. 19-003C, Sufficiency of Textbooks or Instructional Materials**
ROLL CALL VOTE
- c. Approve Contract Invoice from Hat Creek, final invoice for Paving Project**
- d. Approve surplus of Titmus Vision Tester and donate it to Tehama County Office of Education**

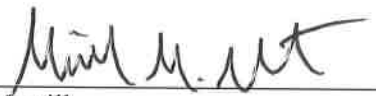
BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- e. Board Policy 3312.2—Educational Travel Program Contracts, *revisions***
- f. DELETE Administrative Regulation 3312.2—Educational Travel Program Contracts, *key concepts moved to BP 3312.2 above*
- g. Board Policy 3320—Claims and Actions Against the District, *revisions***
- h. DELETE Administrative Regulation 3320—Claims and Actions Against the District, *key concepts moved to BP 3320 above*
- i. NEW Board Policy 3515.21—Unmanned Aircraft Systems (Drones)**
- j. Board Policy 4140/4240/4340—Bargaining Units, *revisions***
- k. Administrative Regulation 4157.2/4257.2/4357.2—Ergonomics, *revisions***
- l. NEW Board Policy 4161.3—Professional Leaves**
- m. DELETE Administrative Regulation 4161.3—Professional Leaves, *moved to new Board Policy 4161.3 above*
- n. NEW Board Policy 4261.3—Professional Leaves**
- o. DELETE Administrative Regulation 4261.3—Professional Leaves, *moved to new Board Policy 42161.3 above*
- p. Board Policy 5112.5—Open/Closed Campus, *revisions***
- q. DELETE Administrative Regulation 5112.5—Open/Closed Campus, *key concepts moved to BP 5112.5 above*
- r. Administrative Regulation 5141.32—Health Screening for School Entry, *revisions***
- s. Board Policy 6174—Education for English Learners, *revisions***
- t. Administrative Regulation 6174—Education for English Learners, *revisions***

N. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on November 13, 2018 at Sierra County Office of Education, 109 Beckwith Rd, Room 4, Loyalton CA 96118, beginning with Closed Session as needed at 5:00pm and the Regular Board Meeting at 6:00pm.
- 2. Suggested Agenda Items
 - a. _____
 - b. _____

O. ADJOURN



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

*** prior month handout
** enclosed
* handout



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TOM TORLAKSON
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

September 17, 2018

Merrill Grant, Ed.D., Superintendent
Sierra County Office of Education
Sierra Unified School District
P.O. Box 955
Loyalton, CA 96118

Dear Superintendent Grant, Ed.D.:

Subject: 2018–19 County Office of Education Budget

Pursuant to California *Education Code (EC)* Section 1622(b), we are required to review your county office of education's budget to determine whether it complies with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allows your office to meet its financial obligations during the fiscal year, and is consistent with a financial plan that will enable your office to satisfy its multiyear financial commitments. We are required to disapprove a budget if a local control and accountability plan (LCAP) or an annual update to the LCAP filed by a county board of education pursuant to *EC* Section 52070.5 that is effective for the budget year has not been approved.

Because your office's LCAP has not yet been approved, the budget is disapproved at this point in the statutory process.

We look forward to resuming our review of your budget as soon as the LCAP is approved. In order for the LCAP to be approved, steps to be taken by the county board of education and the statutory timelines for those steps are described in *EC* Section 52070.5(b).

RECEIVED

SEP 28 2018

**SUCE
S-PJUSD**

Merrill Grant, Ed.D., Superintendent
September 17, 2018
Page 2

If you have questions about the content of this letter, please contact our office by phone at 916-322-1770. If you have questions about the LCAP approval process and timelines, please contact the Local Agency Systems Support Office by phone at 916-319-0809.

Sincerely,



Christine Davis, Administrator
Financial Accountability and Information Services

CD:jm
2018-0202-46c

cc: Nona Griesert, Business Manager
Patty Hall, Board President, Sierra County Board of Education
Michael Moore, Board President, Sierra-Plumas School District Board

Balances through September						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	230,761.00	230,761.00	222,828.30	112,572.10	104,639.40-
1115	Certificated Extra Duty				60.00	60.00-
1120	Certificated Substitutes	75,787.00	75,787.00		1,720.00	74,067.00
1200	Certificated Pupil Support Ser	43,846.00	43,846.00	32,884.47	10,961.49	.04
1300	Certificated Supervisor Admini	199,167.00	199,167.00	180,010.08	60,003.36	40,846.44-
1310	Teacher in Charge	10,000.00	10,000.00			10,000.00
	Total for Object 1000	559,561.00	559,561.00	435,722.85	185,316.95	61,478.80-
2100	Instructional Aides' Salaries	120,916.00	120,916.00	89,647.32	12,796.16	18,472.52
2115	Classified Extra Duty	588.00	588.00		419.82	168.18
2120	Classified Substitutes	8,000.00	8,000.00		510.72	7,489.28
2200	Classified Support Salaries	28,844.00	28,844.00	9,567.57	2,826.29	16,450.14
2215	Classified Support Extra Duty				771.78	771.78-
2300	Classified Supervisors' Admini	95,174.00	95,174.00	70,704.00	23,703.00	767.00
2400	Clerical Technical Office Staf	144,227.00	144,227.00	107,810.30	33,416.32	3,000.38
2420	Clerical Substitute	250.00	250.00			250.00
2900	Other Classified Salaries	16,448.00	16,448.00		247.50	16,200.50
	Total for Object 2000	414,447.00	414,447.00	277,729.19	74,691.59	62,026.22
3101	STRS Certificated Positions	114,331.00	114,331.00	70,276.32	14,922.45	29,132.23
3102	STRS Classified Positions	749.00	749.00	674.28	15.08-	89.80
3202	PERS Classified Positions	73,152.00	73,152.00	53,723.70	14,799.34	4,628.96
3301	OASDI Certificated Positions	155.00	155.00			155.00
3302	OASDI Classified Positions	23,803.00	23,803.00	15,563.89	4,410.03	3,829.08
3311	Medicare Certificated Position	7,488.00	7,488.00	5,958.27	2,598.29	1,068.56-
3312	Medicare Classified Positions	5,884.00	5,884.00	3,924.33	1,063.84	895.83
3401	Health & Welfare Benefits Cert	111,502.00	111,502.00	92,339.37	19,158.63	4.00
3402	Health & Welfare Benefits Clas	124,277.00	124,277.00	94,142.43	24,366.17	5,768.40
3501	SUI Certificated	277.00	277.00	217.89	92.67	33.56-
3502	SUI Classified	209.00	209.00	138.99	37.18	32.83
3601	Workers' Compensation Certific	19,974.00	19,974.00	13,756.05	3,153.24	3,064.71
3602	Workers' Compensation Classifi	15,100.00	15,100.00	9,060.36	2,456.02	3,583.62
	Total for Object 3000	496,901.00	496,901.00	359,775.88	87,042.78	50,082.34
4100	Approved Textbooks Core Curric	672.00	672.00			672.00
4200	Library and Reference Material	1,000.00	1,000.00			1,000.00
4300	Materials and Supplies	45,158.00	45,158.00	6,343.19	5,429.21	33,385.60
4320	Custodial Grounds Supplies	600.00	600.00			600.00

Balances through September						Fiscal Year 2018/19
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4330	Office Supplies	1,000.00	1,000.00	165.01	54.22	780.77
4350	Vehicle Upkeep	5,500.00	5,500.00	1,603.77	23.74	3,872.49
4400	Noncapitalized Equipment	23,311.00	23,311.00		1,026.86	22,284.14
	Total for Object 4000	77,241.00	77,241.00	8,111.97	6,534.03	62,595.00
5100	Subagreements for Services	43,000.00	43,000.00	34,220.00		8,780.00
5200	Travel and Conference	44,755.00	44,755.00	11,632.12	2,624.29	30,498.59
5300	Dues and Membership	19,631.00	19,631.00	778.50	11,175.50	7,677.00
5400	Insurance	9,600.00	9,600.00		9,434.00	166.00
5500	Operation Housekeeping Service	9,200.00	9,200.00	4,879.62	120.38	4,200.00
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	598.46	187.63	2,313.91
5801	Legal Services	20,500.00	20,500.00	1,000.00	5,330.00	14,170.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	793.00	793.00	200.00		593.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	1,276.84	223.16	.00
5810	Contracted Services	456,009.00	456,009.00	301,965.22	36,380.50	117,663.28
5899	SPJUSD to Reimburse			3,815.09	26,398.02	30,213.11-
5900	Communications	5,200.00	5,200.00	6,622.56	2,207.52	3,630.08-
	Total for Object 5000	614,788.00	614,788.00	366,988.41	94,081.00	153,718.59
6170	LAND IMPROVEMENTS	290,000.00	290,000.00	198,814.00	43,307.25	47,878.75
6200	Building and Improvement of Bu	3,000.00	3,000.00			3,000.00
6400	Equipment	20,000.00	20,000.00			20,000.00
	Total for Object 6000	313,000.00	313,000.00	198,814.00	43,307.25	70,878.75
7110	County Tuition Inter Dist Agree				3,119.00	3,119.00-
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	3,119.00	21,309.00
	Total for Fund 01 and Expense accounts	2,500,366.00	2,500,366.00	1,647,142.30	494,092.60	359,131.10
Fund 16 - FOREST RES						
7619	Other Authorized Interfund Tra	52,121.00	52,121.00			52,121.00
	Total for Fund 16, Expense accounts and Object 7000	52,121.00	52,121.00	.00	.00	52,121.00
	Total for Org 001 - Sierra County Office of Education	2,552,487.00	2,552,487.00	1,647,142.30	494,092.60	411,252.10

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

September 11, 2018

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

Videoconferenced to Downieville School, 130 School St, Downieville CA 95936

6:00pm Regular Session

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 6:01pm.

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/WRIGHT

5/0

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. SELPA Update—Heidi Bethke – formal intro as SELPA Director; 60 special education students in the district currently, about 15%
- b. Crisis Prevention Institute Training—Heidi will become a certified trainer on de-escalation strategies
- c. Report out on LCAP modifications—letter from CDE needs to be addressed, working with Andrea on modifications and response to letter
- d. Gina Troupe letter of resignation: WorkAbility Aide—looking for replacement
- e. Instructional Aide recruitment, 3.75 hours daily, Loyalton High—assistance in Miranda Prakash's room
- f. Update on Paving Project—CRM asked Hat Creek to come back and make some modifications

2. Business Report

- a. Account Object Summary-Balance from 07/01/18 to 08/31/2018

3. Board Members' Report

None

4. Public Comment

- a. Current location – Janet—Secretary of Board for Sierra Schools Foundation; lots more grants for different projects for the schools this year; golf tournament fundraiser coming up
- b. Videoconference location – none

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held August 14, 2018
2. Approval of Board Report-Checks Dated 08/01/2018 through 08/31/2018

WRIGHT/GANT

5/0

G. ACTION ITEMS

1. New Business

- a. Review and Award bid for Concrete Sidewalk Project at LES
MOORE motioned to award bid for \$49,000 to BWD General Engineering.
Second by DRYDEN.
5/0
- b. Adoption of Resolution 19-002C, Adopting the Gann Limit
DRYDEN/WRIGHT
ROLL CALL VOTE:
HALL – AYE
MOORE – AYE
GANT – AYE
DRYDEN – AYE
WRIGHT – AYE
5/0
- c. Adoption of Unaudited Actuals for Fiscal Year End June 30, 2018
WRIGHT/MOORE
5/0
- d. Appointment of members of the Student Attendance Review Board as follows:
 - 1. Tim Standley, Sierra County Sheriff
 - 2. Jeff Bosworth, Sierra County Chief Probation Officer
 - 3. Chuck Henson, Sierra County Deputy Probation Officer, Alternate for Jeff Bosworth
 - 4. Sofia Gonzales, Sierra County Probation Officer
 - 5. J. Lon Cooper, Sierra County Public Defender
 - 6. Larry Allen, Sierra County District Attorney
 - 7. Jamie Shiltz, Sierra County Child Protective Services
 - 8. Laurie Marsh, Sierra County Behavioral Health,
 - 9. Laurie Marsh, Interim Student/Parent Navigator
 - 10. Andy Genasci, Parent Representative(Ed Code 48321 (a) (4) The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.)
MOORE motioned to approve the SARB list with the understanding that there will be multiple changes come January. Second by GANT.
5/0

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- e. Board Policy AND Administrative Regulation, Use of School Facilities, *revisions*—Choose Option 2 in BP
DRYDEN/GANT
5/0

MOORE motioned to approve f-n with the exception of tabling i & j to October.
Second by DRYDEN.
5/0

- f. Board Policy 1400, Relations Between Other Governmental Agencies and the Schools, *revisions*
- g. DELETE Board Policy 1020, Youth Services, key concepts moved to BP 1400
- h. Board Policy 2210, Administrative Discretion Regarding Board Policy, *revisions*

- i. Board Policy 5112.5, Open/Closed Campus, *revisions—table to October*
- j. DELETE Administrative Regulation 5112.5, Open/Closed Campus, key concepts moved to BP 5112.5—*table to October*
- k. Board Policy AND Administrative Regulation 5145.13, Response to Immigration Enforcement, *new*
- l. Board Policy AND Administrative Regulation 5145.3, Nondiscrimination/Harassment, *revisions*
- m. Board Policy 5145.9, Hate-Motivated Behavior, *revisions*
- n. Board Policy 6146.1, High School Graduation Requirements, *revisions*

H. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on October 9, 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. Closed Session for negotiations, maybe litigation updates as well
 - b. Open/Closed Campus Board Policy brought back
 - c. Update on construction items

I. ADJOURN at 6:36pm
WRIGHT/MOORE
5/0

Sharon Dryden, Clerk

Dr. Merrill M. Grant, Superintendent

Checks Dated 09/01/2018 through 09/30/2018

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015007	09/11/2018	ALPINE FIRE SERVICES, INC. SALES AND SERVICE	01-5600	FIRE EXTINGUISHER INSPECTION AND REPAIR		131.31
00015008	09/11/2018	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		735.84
00015009	09/11/2018	BLACK BART INDUSTRIES, INC.	01-6170	HAND RAILS		2,807.25
00015010	09/11/2018	CCSESA	01-5300	PACE PARTNERSHIP		718.00
00015011	09/11/2018	CUSTOMINK ATTN: ACCOUNTS RECEIVABLE	01-4300	TUPE T-SHIRTS		3,463.32
				Unpaid Sales Tax	234.12-	3,229.20
00015012	09/11/2018	AMY FILIPPINI	01-5200	WORKSHOP		806.26
00015013	09/11/2018	GIRARD, EDWARDS, STEVENS & TUCKER LLP	01-5801	LEGAL FEES		5,330.00
00015014	09/11/2018	JANIS HARDEMAN	01-5200	NURSE SERVICES	415.77	
			01-5810	NURSE SERVICES	3,250.00	3,665.77
00015015	09/11/2018	LAKESHORE LEARNING	01-4300	FURNITURE/SUPPLIES	289.12	
			01-4400	FURNITURE/SUPPLIES	1,026.86	
			01-5899	FURNITURE/SUPPLIES	1,315.99	2,631.97
00015016	09/11/2018	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE		62.45
00015017	09/11/2018	BARBARA MCKURTIS	01-5810	CONTRACTED CONSULTANT AGREEMENT		4,230.00
00015018	09/11/2018	MIKE MOORE	01-5200	PER DIEM		27.00
00015019	09/11/2018	NEVADA COUNTY SUPT OF SCHOOLS ACCOUNTS RECEIVABLE	01-7110	PROGRAM COST		3,119.00
00015020	09/11/2018	NORTHERN SPEECH SERVICES	01-4300	INSTRUCTIONAL SUPPLIES	112.89	
				Unpaid Sales Tax	6.74-	106.15
00015021	09/11/2018	OFFICE DEPOT	01-4300	CLASSROOM SUPPLIES		517.43
00015022	09/11/2018	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	01-5810	GASB 68 FEE		350.00
00015023	09/11/2018	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES		15.00
00015024	09/11/2018	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		39.16
00015025	09/11/2018	SINGLETON AUMAN PC	01-5810	AUDIT FEES		3,800.00
00015026	09/11/2018	THERAPY SHOPPE	01-4300	CLASSROOM SUPPLIES	248.48	
				Unpaid Sales Tax	15.36-	233.12
00015027	09/11/2018	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	SEP 18 HEALTH INSURANCE	2,914.00	
			76-9576	SEP 18 HEALTH INSURANCE	18,963.90	21,877.90
00015028	09/11/2018	U.S. BANK	01-4300	STUDENT FOLDERS	734.63	
			01-4330	ADOBE SUBSCRIPTION	14.99	
			01-5200	SUPT. TRAVEL EXPENSES	25.69	
			01-5899	SUPT. TRAVEL EXPENSES	12.31	787.62
00015029	09/11/2018	VOYAGER	01-4350	FUEL EXPENSE	23.74	
			01-5200	FUEL EXPENSE	176.49	
			01-5899	FUEL EXPENSE	63.32	263.55

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 09/01/2018 through 09/30/2018

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015030	09/11/2018	ALLEN WRIGHT	01-5200	PER DIEM		6.82
Total Number of Checks					24	55,490.80

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	24	36,783.12
76	Payroll Clearing	1	18,963.90
Total Number of Checks		24	55,747.02
Less Unpaid Sales Tax Liability			256.22
Net (Check Amount)			55,490.80

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

ESCAPE ONLINE

SIERRA COUNTY OFFICE OF EDUCATION

RESOLUTION NO. 19-003C

SUFFICIENCY OF TEXTBOOKS OR INSTRUCTIONAL MATERIALS

WHEREAS, the SIERRA COUNTY BOARD OF EDUCATION, in order to comply with the requirements of Education Code 60119, held a public hearing on October 9, 2018, at 6 o'clock, which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

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

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

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

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

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

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

Science	<u>California Edition</u> , Grades 2-5 <u>Earth Science</u> (High School) <u>Life Science</u> , Grade 7 <u>Physical Science</u> , Grade 8 <u>Physics</u> <u>Biology</u> <u>Chemistry</u> <u>Chemistry</u> , 8 th ed.,	Harcourt Glencoe/McGraw Hill ©2013 Glencoe/McGraw Hill ©2012 Glencoe/McGraw Hill ©2012 Pearson © 2014 Glencoe/McGraw Hill ©2012 Glencoe/McGraw Hill ©2013 Cengage Learning ©2012
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History/ Social Science	<u>Neighborhoods, Communities, US History</u> , Grades K-5 th <u>Ancient Civilizations</u> , Grades 6, 7, 8 <u>Medieval to Early Modern Times</u> , Grade 7 <u>Geography</u> <u>United States History, Independence to 1914</u> , Grade 8 <u>Modern World History</u> , Grade 10 <u>The Americans</u> , Grade 11 <u>Am. Government, Economics</u>	Houghton-Mifflin Holt Rinehart Winston Holt Glencoe Holt McDougall-Littell McDougall-Littell Prentice Hall
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English/ Language Arts (Including English Learners)	<u>Mirrors & Windows</u> <u>Continuing with Literature, Levels I-V</u> <u>British Tradition</u> <u>American Tradition</u> <u>Wonders CA Comprehensive System</u> <u>The Power of Connection</u>	EMC Publishing, LLC © 2016 McGraw-Hill Education © 2015-17
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WHEREAS, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes, and;

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

THEREFORE, IT IS RESOLVED THAT for the 2018-2019 school year, the SIERRA COUNTY BOARD OF EDUCATION has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

PASSED AND ADOPTED at a regular meeting of the SIERRA COUNTY BOARD OF EDUCATION held on October 9, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sharon Dryden, Clerk

***** Contract Invoice *****

From: Hat Creek Const & Matl, Inc.
 24339 State Highway 89
 BURNEY CA 96013
 530-335-5501

Invoice No: 18016.F
 Invoice Date: 08/15/2018

Estimate No: 18016.F
 Completed Thru:
 Owner Job No: 18-016

To: SPJUSD
 PO Box 955
 LOYALTON CA 96118

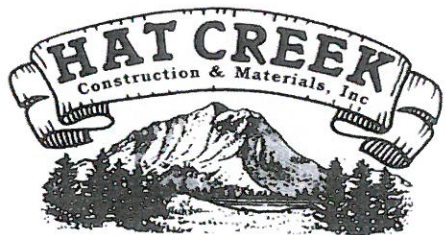
Contract: 18-016 Loyalton AC Paving

Phase	Description of Work	Contract Values			Previously Completed		—This Invoice—		—Total To-Date—		
		Quantity	Unit Price	\$ Amount	Quantity	\$ Amount	Quantity	\$ Amount	Quantity	\$ Amount	
001	Encroachment County Per	1.000	LS	425.0000	425.00	0.000	0.00	1.000	425.00	1.000	425.00
002	Mobilization	1.000	LS	14959.0000	14959.00	0.000	0.00	1.000	14959.00	1.000	14959.00
003	Remove existing AC	29500.000	SF	0.6500	19175.00	0.000	0.00	29500.000	19175.00	29500.000	19175.00
004	Relocate Existing Drop	1.000	EA	5300.0000	5300.00	0.000	0.00	1.000	5300.00	1.000	5300.00
005	Site Grading/Agg Base	215.000	ton	110.0000	23650.00	0.000	0.00	215.000	23650.00	215.000	23650.00
006	Hot Mix Asphalt (Type A	480.000	ton	168.0000	80640.00	0.000	0.00	466.000	78288.00	466.000	78288.00
007	Patch Pave 750 sf as di	750.000	SF	9.0000	6750.00	0.000	0.00	750.000	6750.00	750.000	6750.00
Original Contract Total:				150,899.00		0.00		148,547.00		148,547.00	
008	Increase for Item 007	1.000	LS	21375.0000	21375.00	0.000	0.00	1.000	21375.00	1.000	21375.00
Total Change Orders:				21,375.00		0.00		21,375.00		21,375.00	
Total Contract To-Date:				172,274.00		0.00		169,922.00		169,922.00	

Work Completed To-Date: 169,922.00
 Less Retention: 0.00

 169,922.00

Less Previous Billing: 0.00
 Current Payment Due: 169,922.00



HCCMI MANAGER	<input type="checkbox"/>
SUBCONTRACTOR	<input type="checkbox"/>
HCCMI FIELD	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

CHANGER ORDER

PROJECT: SPJUSD Paving	CHANGE ORDER #:	1
	CHANGE ORDER DATE:	9/5/2018
	PROJECT #:	18-016
	DATE OF SUBCONTRACT:	
TO: Rochell Barkocy	FOR:	Change To Contract

The Contract is changed as follows:

Base Bid 150,899,
 Decrease Line 6= -2352.00
 Increase Line 7= 21375.00
 Change Order Total= 19023.00
 New Contract Amount = 169922.00
 Contract Documents Attached?: (Identify all plans, specifications, addendums, etc.)

The original Line Item Sum was	\$ -
The net change by previously authorizee Change Orders is	\$ -
The Contract Sum prior to this Change Order was	\$ 150,899.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 19,023.00
The new Contract Sum including this Change Order will be	\$ 169,922.00
The Contract Time will be decreased by	\$ -
The date of Substantial Completion as of this Change Order therefore is	\$ -

Not valid until signed by all parties below

CRM Group

 ADDRESS

 9/5/2018

 BY DATE

Hat Creek Construction & Materials, Inc.

 PRIME CONTRACTOR
 24339 Highway 89 N, Burney, CA 96013

 ADDRESS
 Toby Corder

 9/5/2018

 BY DATE

BID FORM AND PROPOSAL

To: Board of Trustees of the Sierra-Plumas Joint Unified School District ("District")

From:

(Insert Proper Name of Bidder)
 Hat Creek Construction & Materials, Inc.

The undersigned declares that the Contract Documents including, without limitation, the Notice to Contractors Calling for Bids and the Information for Bidders have been read and agrees and proposes to furnish all necessary labor, materials, and equipment to perform and furnish all work in accordance with the terms and conditions of the Contract Documents, including, without limitation, the Drawings and Specifications of the **Sierra-Plumas Joint Unified School District (SPJUSD) Facilities Maintenance Projects - Bid Package SP2018.6.7.1 - AC Paving** ("Project" or "Contract") and will accept in full payment for that Work the following total lump sum amount, all taxes included:

BASE BID: All labor, material, services and equipment necessary to perform and furnish all work in accordance with the terms and conditions of the Contract Documents with the exception of additive and/or deductive bid items listed below

Dollars (words) ONE HUNDRED FIFTY THOUSAND EIGHT HUNDRED NINETY NINE $\frac{1}{2}$ ^{NO}/100³

\$ (figures) 150,899

1. **Bid Schedule.** The Bidder's Base Bid shall include the unit prices per the following Bid Schedule Form, which the Bidder must provide, and the District may, at its discretion, utilize in valuing additive and/or deductive change orders:

Item #	Description	Unit	# of Units	Unit Price	Total
1	Encroachment / County Permits	Lump Sum	1	425 ⁻	425 ⁻
2	Mobilization / Demobilization	Lump Sum	1	14,959 ⁻	14,959 ⁻
3	Remove existing parking surface	Square Ft	29,500	065 ⁻	19,175 ⁻
4	Remove / Relocate existing Drop Inlet	Lump Sum	1	5,300 ⁻	5,300 ⁻
5	Site Grading (to include Aggregate Base)	Ton	215	110 ⁻	23,650 ⁻
6	Hot Mix Asphalt	Ton	480	168 ⁻	80,640 ⁻
7	Patch Paving	Square Ft	750	9 ⁻	6,750 ⁻

SIERRA COUNTY OFFICE OF EDUCATION SURPLUS PROPERTY

Surplus Items: 1 (one) – Titmus Vision Tester

Estimated Value: Approximately \$2,400

The Titmus Vision Tester was donated to SCOE and has not been used. Due to the fact that we are not utilizing this piece of equipment and do not anticipate a need in the foreseeable future we request permission to surplus this piece of equipment.

Red Bluff Elementary Union School District has expressed a need for this tester and we request permission to donate this item to Tehama County Office of Education for this purpose.

CSBA POLICY GUIDE SHEET

October 9, 2018

BP/AR 3312.2 - Educational Travel Program Contracts (BP revised; AR deleted)

Updated policy clarifies the board's responsibility to approve contracts for educational travel programs and adds contract components, formerly in AR. Regulation deleted and key concepts moved to BP.

BP/AR 3320 - Claims and Actions Against the District (BP/AR revised)

Policy and regulation updated to clarify the applicability of the Government Claims Act to certain claims for money or damages against the district, and to reflect **NEW COURT DECISION** (Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne Court) which upheld the district's right to require that a claim be submitted using district procedures before a lawsuit may be filed. Regulation also updated to expand section on "Time Limitations."

BP 3515.21 - Unmanned Aircraft Systems (Drones) (BP added)

New optional policy addresses strategies for avoiding disruption and maintaining the safety, security, and privacy of individuals when the district grants permission for a person or entity to operate an unmanned aircraft system (drone) on or over district property. Policy reflects federal regulations and Federal Aviation Administration guidance, and provides that the district shall only grant permission if the planned activity supports the district's own instructional, co-curricular, extracurricular, or operational purposes.

BP 4140/4240/4340 - Bargaining Units (BP revised)

Policy updated to reflect **NEW COURT DECISION** (Janus v. AFSCME) which held that public employees cannot be compelled to pay mandatory "fair share service fees" to an employee organization. Policy also reflects **NEW LAW** (SB 866, 2018) which prohibits districts from deterring or discouraging employees or job applicants from becoming or remaining members of an employee organization and prohibits sharing the date, time, and place of new employee orientations with anyone other than employees, the exclusive representative, or a vendor contracted to provide a service for the orientation. Policy deletes material regarding the employee organization's provision of a financial report, which is required by law to be submitted to the Public Employment Relations Board rather than the district board.

AR 4157.2/4257.2/4357.2 – Ergonomics (AR revised)

Regulation updated to add a definition of ergonomics, expand the purpose of the ergonomics program to include other workplace injuries in addition to repetitive motion injuries, provide for employees to report symptoms to a supervisor, reflect circumstances under which an ergonomics program is required by state regulations, and delete outdated date for implementation of state regulations.

BP/AR 4161.3 - Professional Leaves (BP added; AR deleted)

Regulation deleted and moved to new policy since the responsibility for granting professional leaves rests with the board pursuant to law. Policy reorganized for clarity, revised to more directly reflect law, and expanded to add board philosophical statement and an exception in law allowing a professional leave under an approved national recognized fellowship or foundation to be included in computing the service requirement for a subsequent leave.

BP/AR 4261.3 - Professional Leaves (BP added; AR deleted)

Regulation deleted and moved to new policy since the responsibility for granting professional leaves rests with the board pursuant to law. Policy reorganized for clarity, revised to more directly reflect law, and expanded to add board philosophical statement.

BP/AR 5112.5 - Open/Closed Campus (BP revised; AR deleted)

Policy revised to clarify options for open campus and add optional language regarding district criteria for student eligibility for open campus privileges. Policy also includes the requirement for written parental notification of the open campus policy, formerly in AR, and clarifies that a student's unauthorized absence from school constitutes an unexcused absence but is not classified as truancy unless it meets the legal definition of truancy based on the number of absences during the school year. Regulation deleted and key concepts moved to BP.

AR 5141.32 - Health Screening for School Entry (AR revised)

Regulation updated to reflect **NEW LAW** (SB 379, 2017) which changes the date by which the district must report oral health assessment data to the county office of education and/or state dental director and requires the certification form developed by the California Department of Education (CDE) to include parental rights related to oral health assessments offered at school sites. Regulation also deletes the requirement to notify parents/guardians of the telephone number for the Healthy Families program, which is no longer operational.

BP/AR 6174 - Education for English Learners (BP/AR revised)

Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2018, No. 20) governing the implementation of Proposition 58 requirements pertaining to language acquisition programs, and to delete references to the former state assessment of English proficiency. Policy also adds concepts recommended in **NEW CDE PUBLICATION** ([The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners](#)). Regulation adds definitions of designated and integrated English language development, renumbers cites to state regulations related to testing accommodations pursuant to **NEW STATE REGULATIONS** (Register 2018, No. 4), and reflects **NEW LAW** (AB 81, 2017) which requires specified information related to "long-term English learners" or "students at risk of becoming a long-term English learner" to be included in the Title I or Title III parental notification of a student's assessment of English proficiency.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Business and Noninstructional Operations BP 3312.2

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

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

~~The Governing Board of Education~~ believes that field trips and other travel opportunities ~~for students~~ are a valuable tool in supporting classroom instruction and ~~promoting~~ enrich students' ~~awareness of learning about~~ places, cultures, and events. ~~In contracting~~ The district may contract with organizations to provide a qualified person, partnership, corporation, or other entity for educational travel services. ~~Any such contract shall be submitted to the Board~~ desires to ensure a quality educational experience and the health, safety for approval ~~and welfare of each student traveler/or ratification.~~

~~The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.~~

(cf. 3312 - Contracts)

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

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account safeguards for student safety, quality of the educational program, and fiscal integrity.

The Superintendent or designee shall ensure that each contract is in writing and includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number, and a 24-hour emergency contact telephone number, pager, voice mail, or other method of 24-hour communication
2. A detailed description of:
 - a. Services to be provided as part of the program
 - b. Agreed cost for the services
 - c. Whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type

and amount of coverage, the policy number and issuer, and the name, address, and telephone number of the person or organization able to verify coverage

- d. Any additional costs to students
- e. Any experience and/or training requirements to be met by the educational travel organization's staff who will accompany students on the educational travel program
- 3. The educational program being contracted for, including a copy of all materials to be provided to students
- 4. The number of times the educational travel program or a substantially similar educational travel program has been conducted by the organization and the number of students who completed the program
- 5. The length of time the organization has either been arranging or conducting educational travel programs, and, at the option of the organization, other travel services with substantially similar components
- 6. The name of each owner, officer, general partner, or sole proprietor of the organization
- 7. Whether any owner or principal of the organization has had any judgment entered against him/her, made a plea of nolo contendere, or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

Legal Reference:

EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

~~17550~~-17550.9 ~~Sellers~~ *Definition of travel services*

17552-17556.5 Educational travel organizations

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Board Policy

Business and Noninstructional Operations

BP 3320

~~The Board of Education desires to ensure that the district's operations are conducted~~
CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The following **optional** policy and accompanying administrative regulation reflect the claims procedure in the Government Claims Act pursuant to Government Code 810-996.6. The Act details requirements for the filing of claims against public entities such as school districts.

Government Code 905 specifies certain types of claims which are exempted from the procedures in the Government Claims Act. Pursuant to Government Code 935, a district is authorized to establish its own claims processing procedures for those exempted claims. A local claims requirement must be similar to and be no more restrictive than those established by the Government Claims Act. For example, the district's procedures may not allow a longer time for the Board to take action on a claim than the timeline provided for claims under the Government Claims Act. The following policy and accompanying administrative regulation may be revised to reflect district practice.

Because a district's insurance carrier or joint powers authority may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, **it is strongly recommended** that, prior to adoption by the Governing Board, this board policy and accompanying administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

~~The Governing Board desires to conduct district operations~~ in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. ~~Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with law, Board policy, and administrative regulation~~ the Government Claims Act or other applicable state or district procedures, as well as the district's ~~Joint Powers Authority~~ joint powers authority (JPA) agreement or other insurance coverage.
 (cf. 3530 - Risk Management/Insurance)
 (cf. 5143 - Insurance)

Note: The following **optional** paragraph is for use by districts that choose to establish their own claims procedures for certain types of claims pursuant to Government Code 935.

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in the ~~Government Claims Act~~ accompanying administrative regulation, unless a procedure for processing such claims is otherwise provided by state or federal law- or regulation. (Government Code 935)

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

Note: The following paragraph is **optional**. Government Code 935.4 authorizes, but does not require, the Board to delegate to any employee the authority to allow, compromise, or settle a claim of \$50,000 or less. Boards that do not wish to delegate such authority should delete the following paragraph. Boards that wish

to delegate this authority may modify the following paragraph to specify a different employee to whom the authority is delegated and/or an amount less than \$50,000.

Management of the defense or settlement of the claim may be subject to contractual requirements contained in the district's insurance policy, memorandum of coverage, or contractual indemnity agreements. Thus, even when the Board has authorized the Superintendent or another employee to settle such claims, the authority is subject to any such requirements or conditions of coverage.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

~~This policy applies retroactively to any existing causes of action and/or claims for money and/or damages.~~

Roster of Public Agencies

~~The Superintendent or designee shall file~~Note: Government Code 53051 requires public agencies, such as school districts, to register the information required for specified below, including the Roster names of Public Agencies all Board members, with the Secretary of State and the County Clerk. This If the information shall include on file is not accurate or if no information is on file, the court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. Thus, it is imperative that all required information be current and accurate.

Within 10 days of any change in the name of the ~~school~~ district, the mailing address of the Board, ~~and/or~~ the names and addresses of the Board ~~presiding officer~~president, the Board clerk or secretary, ~~and/or~~ other ~~members of the Board.~~Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

~~Any changes to such information shall be filed within 10 days after the change has occurred. (Government Code 53051)~~

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, (2018) 21 Cal.App.5th 403

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Policy adopted: April 10, 2007
revised: June 14, 2016
revised: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Business and Noninstructional Operations

AR 3320

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts, as well as statute of limitations and other requirements for lawsuits. In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract.

Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

Time Limitations

Note: Items #1-3 below list timelines for claims presented pursuant to the Government Claims Act. If a claimant misses a deadline for a claim required to be submitted in accordance with item #1 or #3 below, he/she may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims."

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the ~~Governing Board of Education~~ not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, ~~including claims for damages to real property~~, shall be ~~presented~~filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

Note: Pursuant to Government Code 935, a district may establish its own procedure for the presentation of those claims which are excluded from the Government Claims Act as specified in Government Code 905. **Optional** item #3 below is for use by any district whose board has chosen to exercise the authority to establish district procedures for such claims; see the accompanying Board policy. Item #3 provides six months as the time limitation for filing such claims, which is consistent with the requirement in Government Code 935 that the district's procedure not require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, the following paragraph should be revised accordingly. In *Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County*, the appellate court ruled that a claim of childhood sexual abuse, which is exempted from the Government Claims Act pursuant to Government Code 905, should have been presented to the district under the district procedures established pursuant to Government Code 935 prior to the filing of the lawsuit on that claim.

3. In accordance with the Board's authority pursuant to Government Code 935, claims for money or damages which are specifically exempted from the Government Claims Act by Government Code 905 and are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)

Receipt of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, ~~subpost~~mailbox, ~~sub-post~~ office,

substation, ~~or~~ mail chute, or other ~~like~~ similar facility maintained by the U.S. ~~Government~~ government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Note: In most circumstances, a district's insurance provider or JPA responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's ~~JPA~~ joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

Note: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district, but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all of the information listed below.

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the ~~public~~ district employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000 ~~as of the date of the presentation of the claim~~, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. -If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."₂
7. The signature of the claimant or the person acting on his/her behalf

Notice of Claim Insufficiency

Note: Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

Note: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided ~~under~~in the section ~~entitled~~ "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

Note: The reference to item #3 in the following paragraph should be deleted if the district has not established district procedures pursuant to Government Code 935 for claims that are specifically exempted in Code 905 or adopted a time limitation that is not less than one year (see the accompanying Board policy and item #3 in the section "Time Limitations" above).

For claims under item #1 and #3 in the section ~~entitled~~ "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. -Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.4)

Note: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. -This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

Note: If the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action, the claim is considered to be rejected, but the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it. Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. -The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

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

Regulation approved: April 10, 2007

revised: June 14, 2016

revised: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Board Policy

Business and Noninstructional Operations

BP 3515.21

UNMANNED AIRCRAFT SYSTEMS (DRONES)

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

The Governing Board recognizes that unmanned aircraft or aerial systems (drones) may be a useful tool to enhance the instructional program and assist with district operations. In order to avoid disruption and maintain the safety, security, and privacy of students, staff, and visitors, any person or entity desiring to use a drone on or over district property shall submit a written request for permission to the Superintendent or designee.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142 - Safety)

Note: Guidance from the Federal Aviation Administration (FAA), [Educational Use of Unmanned Aircraft Systems \(UAS\)](#), clarifies that FAA rules are not applicable to model aircraft flown for hobby or recreational use for which the operator is not compensated.

A small *unmanned aircraft system* or drone is an aircraft weighing less than 55 pounds that is operated remotely without the possibility of direct human intervention from within or on the aircraft and the associated elements, including communication links and controls, required for the pilot to operate the aircraft safely and efficiently. It does not include model aircraft or rockets such as those which are radio controlled and used only for hobby or recreational purposes. (49 USC 40101 Note; 14 CFR 107.3)

The Superintendent or designee may grant permission to district employees and students for the use of drones only if the planned activity supports instructional, co-curricular, extracurricular, athletic, or operational purposes. Such uses may include, but are not limited to, instruction in science, technology, engineering, and math (STEM), the arts, or other subjects; maintenance of grounds and facilities; and campus security. When used for instructional purposes, there shall be a clear and articulable connection between drone technology and the course curriculum. Students shall only operate a drone on or over district property under the supervision of a district employee as part of an authorized activity.

Note: The following **optional** paragraph is for use by districts that choose to authorize persons or entities other than district staff and students to operate drones on or over district property.

The Superintendent or designee may grant permission to other persons or entities under terms and conditions to be specified in a memorandum of understanding.

Note: The district may develop a form for use by any person requesting permission to operate a drone on or over district property. The request form should, when applicable, include verification that the operator has the requisite FAA certification as well as the information specified in the following paragraph.

According to FAA guidance, Educational Use of Unmanned Aircraft Systems (UAS), student use of drones as a component of a course most closely reflects a "hobby or recreational use" and thus, while still subject to rules related to safe operation, students are not required to obtain FAA authorization. However, because a teacher receives compensation, his/her use is not "hobby or recreational" and thus he/she is required to obtain the appropriate Certificate of Waiver or Authorization or an exemption from the FAA. For requirements pertaining to certification, see 14 CFR 107.53-107.79 and the FAA's web site.

Any person or entity requesting to operate a drone on or over district property, including a district employee, shall provide a description of the type of operation requested, flight location, date and time of the planned flight, anticipated duration, and whether photos and/or video will be taken. As applicable, the applicant shall also present a copy of his/her Certificate of Waiver or Authorization or exemption issued by the Federal Aviation Administration.

Any person or entity, other than a district employee or student, who is requesting or operating a drone on or over district property shall agree to hold the district harmless from any claims of harm to individuals or property resulting from the operation of the drone and provide proof of adequate liability insurance covering such use.

(cf. 3530 - Risk Management/Insurance)

In determining whether to grant permission for the requested use of a drone, the Superintendent or designee shall consider the intended purpose of the activity and its potential impact on safety, security, and privacy. The decision of the Superintendent or designee shall be final.

Note: It is recommended that the district develop a form specifying the terms and conditions of the approved use of drones on or over district property, and require any person granted authorization to sign the form. The signed form, along with a copy of any required Certificate of Waiver or Authorization or exemption issued by the FAA, should be maintained by the district.

Any person authorized to use a drone on district property shall sign an acknowledgment that he/she understands and will comply with the terms and conditions of the district's policy, federal law and regulations, state law, and any local ordinances related to the use of drones.

Note: Remote drone pilots are subject to the safety precautions and other conditions specified in 14 CFR 107.15-107.51. Districts should also consult local ordinances as well as any joint use agreements with municipalities in order to ensure consistency and compliance. The following list may be revised to reflect any additional district or community rules.

When any use of drones is authorized, the Superintendent or designee shall notify the drone operator of the following conditions:

1. The operator is responsible for complying with applicable federal, state, and/or local laws and regulations, including federal safety regulations pursuant to 14 CFR 107.15-107.51 which include, but are not limited to, requirements that the drone not be flown at night, above 400 feet in altitude, or over any people unless they are in a covered structure or stationary vehicle. The operator shall maintain the visual line of sight with the drone at all times.
2. The drone shall be kept away from any area reasonably considered private, including, but not limited to, restrooms, locker rooms, and individual homes.
3. The district reserves the right to rescind the authorization for use of drones at any time.

The Superintendent or designee may remove any person engaged in unauthorized drone use on district property and/or may confiscate the drone. He/she may also shut down the operation of any authorized drone use whenever the operator fails to comply with the terms of the authorization or the use interferes with district activity, creates electronic interference, or poses unacceptable risks to individuals or property.

(cf. 3515.2 - Disruptions)

Any student or staff member violating this policy shall be subject to disciplinary action in accordance with district policies and procedures.

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

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

(cf. 5144 - Discipline)

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

Legal Reference:

UNITED STATES CODE, TITLE 49

40101 Note Unmanned aircraft systems

CODE OF FEDERAL REGULATIONS, TITLE 14

107.1-107.205 Small unmanned aircraft systems, especially:

107.12 Requirement for a remote pilot certificate with a small UAS rating

107.15-107.51 Operating rules; safety

107.53-107.79 Remote pilot certification

Management Resources:

FEDERAL AVIATION ADMINISTRATION PUBLICATIONS

Educational Use of Unmanned Aircraft Systems (UAS), Memorandum, May 4, 2016

WEB SITES

Federal Aviation Administration: <https://www.faa.gov/uas>

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Policy adopted: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Board Policy

<u>All Personnel</u>	BP 4140
	4240
<u>BARGAINING UNITS</u>	4340

Note: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

Pursuant to Government Code 3540.1, the definition of "exclusive representative" includes representation of "all public school employees" other than management and confidential employees, as defined.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

The Governing Board of Education recognizes the right of district employees to form a bargaining unit, select an employee organization as their exclusive representative, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 9000 - Role of the Board)

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

~~The district shall not deter or discourage employees from becoming or remaining members of an employee organization, impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)~~

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

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district may recognize a bargaining unit of supervisory employees if: (Government Code 3545)

1. The bargaining unit includes all supervisory employees.
2. The supervisors are not represented by the same organization that represents employees whom the supervisory employees supervise.
(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4301 - Administrative Staff Organization)
(cf. 4312.1 - Contracts)

For this purpose, *supervisory employee* means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, ~~layoff~~lay off, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment. (Government Code 3540.1)

Note: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. The Public Employment Relations Board ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. When represented by an employee organization, that organization shall not meet and negotiate with the district. For this purpose: (Government Code 3540.1, 3543.4)

1. *Management employee* means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.
2. *Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

Membership

Note: Government Code 3550, as amended by SB 866 (Ch. 53, Statutes of 2018), prohibits a district from deterring or discouraging employees or job applicants from authorizing representation by or making dues deductions to an employee organization.

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall

not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

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

Note: The following paragraph is **optional**. Government Code 3553, as added by SB 866 (Ch. 53, Statutes of 2018), establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication provided that, at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to Employee Orientations and Contact Information

The district shall permit employee organizations access to new employee orientations where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation. However, in any specific instance where an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice, a shorter notice may be provided. (Government Code 3555.5, 3556)

The structure, time, and manner of the access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative, following a request to negotiate by either party. If the district and exclusive representative fail to reach an agreement, matters related to the access to new employee orientation shall be subject to compulsory interest arbitration. -The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. -In addition, if any dispute arises during negotiations

and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

Note: SB 866 (Ch. 53, Statutes of 2018) amended Government Code 3556 to add the following requirement.

The date, time, and place of the orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Note: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code 6254.3, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 6254.3, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In County of Los Angeles v. Service Employees International Union, Local 721, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire. In addition, the Superintendent or designee shall provide the same information ~~on~~ in regard to all employees in the bargaining unit to an exclusive representative at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor shall he/she disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or any employee who provides written request that the information not be disclosed for this purpose. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address

from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)
(*cf.* 1340 - Access to District Records)

~~Payment of Dues or Service Fee~~

~~Upon the written request of a recognized employee organization, the Superintendent or designee shall deduct the amount of organization dues or the fair share service fee, determined in accordance with Government Code 3546, from the wages and salary of each employee represented by that employee organization and shall pay that amount to the employee organization. (Education Code 45060, 45168; Government Code 3546)~~

~~Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to join, maintain membership in, or financially support any employee organization as a condition of employment. However, such an employee may be required to pay an amount equal to the service fee to a designated charitable fund. (Government Code 3546.3)~~

~~Each employee organization shall, within 60 days after the end of its fiscal year, provide the Board and the employees who are members of the organization with a detailed financial report consisting of a balance sheet and an operating statement. If~~

Membership Dues or Other Payments to an Employee Organization

Note: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in Janus v. American Federation of State, County, and Municipal Employees, bargaining unit employees who choose not to join an employee organization may no longer be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, as amended by SB 866 (Ch. 53, Statutes of 2018), an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to him/her by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by Janus v. AFSCME.

As provided in the following section, Education Code 45060 and 45068, as amended by SB 866 (Ch. 53, Statutes of 2018), set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

Specifically, Education Code 45060 and 45168, as amended, provide that the employee organization ~~fails to provide~~ will handle and process employee written authorizations if it certifies that it has and will maintain individual employee authorizations. When such certification is provided to the district, ~~the financial report, the Board may issue an order compelling the employee organization to provide~~ is not required to submit a copy of the written authorization in order for the payroll deductions to be effective, unless there is a dispute about the ~~financial report or any employee within~~ existence or terms of the written authorization. ~~The employee organization may petition~~ is required to indemnify the Board for such an order. ~~(Government~~ district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization.

When an employee organization declines to provide such certification pursuant to Education Code 45060 and 45168, then the district should request a copy of the employee written authorization before making the payroll deductions. Education Code ~~3546.5~~45060 and 45168 require that the district honor the terms of the employee's written authorization for payroll deductions, which thus requires the district to first see a copy of such authorization in order to honor its terms.

Pursuant to Education Code 45060 and 45168, as amended, employee requests to cancel or change authorization for payroll deductions must be directed to the employee organization rather than the district.

(cf. ~~3460—Financial Reports and Accountability~~)

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

Legal Reference:

EDUCATION CODE

45060-45061.5 Deduction of fees from salary or wage payment, certificated employees

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions
 45108.5 Definition of senior classified management employees
 45108.7 Waiver of provisions of 45108.5
 45168 Deduction of fees from salary or wage payment, classified employees
 45220-45320 Merit system, classified employees

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:
 3540.1 Definitions
 3543.4 Management position; representation
 3545 Appropriateness of unit; basis
 3550-3552 Prohibition on public employers deterring or discouraging union membership
 3555-3559 Public employee communication, information and orientation
 6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
 6254.3 Disclosure of employee contact information to employee organization
 6503.5 Joint powers agencies
 53260-53264 Employment contracts

CODE OF REGULATIONS, TITLE 8

33015-33490 Recognition of exclusive representative; proceedings
 33700-33710 Severance of established unit
 34020 Petition to rescind organizational security arrangement
 34055 Reinstatement of organizational security arrangement

COURT DECISIONS

Janus v. American Federation of State, County and Municipal Employees, Council 31, (~~7th Cir.~~ 2017)
 851 F.3d 746, cert granted Sept. 28, 2017, No. 16-1466(2018) 138 S.Ct. 2448

Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083

County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905

~~*Abood v. Detroit Board of Education*, (1977) 431 U.S. 209~~

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
 Association of California School Administrators: ~~-~~<http://www.acsa.org>
 California Federation of Teachers: ~~-~~<http://www.cft.org>
 California School Employees Association: ~~-~~<http://www.csea.com>
 California Teachers Association: ~~-~~<http://www.cta.org>
 Public Employment Relations Board: ~~-~~<http://www.perb.ca.gov>

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: February 14, 2012
 revised: December 12, 2017
 revised: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

<u>All Personnel</u>	AR 4157.2
	4257.2
<u>ERGONOMICS</u>	4357.2

~~To minimize employees' risk of repetitive motion injuries (RMIs), the Superintendent or designee shall implement an ergonomics program whenever two or more RMIs from an identical work activity have been reported by district employees within a 12-month period beginning July 3, 1997. In addition, all reported injuries must satisfy all of the following conditions: (8 CCR 5110)~~

- ~~1. The RMIs were predominantly caused (i.e., 50 percent or more) by a repetitive job, process or operation.~~
- ~~2. The employees incurring the RMIs were performing a job process or operation of identical work activity. Identical work activity means that the employees were performing the same~~

Note: 8 CCR 5110 establishes standards for workplace ergonomics to minimize repetitive motion injuries (RMIs) caused by a repetitive job, process, or operation of identical work activity. The district may expand its ergonomics program to address injuries that may be caused by other factors in the workplace, such as ongoing exertion or strain or awkward posture. For further information regarding risk factors for RMIs and other workplace injuries and possible solutions, see the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) fact sheet Ergonomic Hazards. According to Cal/OSHA, RMIs may include injuries and diseases such as bursitis, ligamentous or muscular sprains or strains, neck-tension syndrome, nerve entrapment (e.g., carpal tunnel syndrome), tendon-related disorders, and hand-arm vibration syndrome.

The Superintendent or designee shall implement an ergonomics program to identify risk factors in the work environment that may result in injuries or illnesses to employees and shall design measures to mitigate such risk factors. The program shall include a study of body movements and positions used during work, the tools and equipment used, the physical environment (such as temperature, noise, and lighting), and the organizational environment (such as deadlines, teamwork, and supervision) in order to identify potential causes of stress on the body over time, such as exertion or strain, awkward or sustained posture, or repeated motions.

Note: The following paragraph requires employees to notify their supervisor if they are experiencing symptoms of an ergonomic injury. Pursuant to Labor Code 5401, whenever the Superintendent or designee receives notice or knowledge of a work-related injury, he/she must provide, personally or by first class mail, a claim form and information to the employee regarding the employee's potential eligibility for workers' compensation benefits to cover missed work time and/or medical costs. See AR 4157.1/4257.1/4357.1 - Work-Related Injuries.

An employee who experiences pain, numbness, stiffness, swelling, tingling, weakness, or other symptom(s) of a repetitive motion task, such as similar word processing, assembly or loading tasks.

- ~~3. The RMIs were injury (RMI) or other musculoskeletal injuries that a licensed physician objectively identified and diagnosed.~~

~~The Superintendent or designee shall ensure that the ergonomics program be designed to minimize RMIs in accordance with law. The program shall be composed of the following components: (8 CCR 5110)~~

~~1. Worksite evaluation~~

~~Each job, process or operation of identical work activity, or a representative number of such jobs, processes or operations of identical activities, disorder that may be caused or aggravated by workplace conditions shall be evaluated for exposures which have caused RMIs report the problem to his/her supervisor.~~

~~2. Control of exposures which have caused RMIs~~

~~Any exposures that have caused RMIs shall, in a timely manner, be corrected or, if not capable of being corrected, be minimized to the extent feasible. The district shall consider engineering controls, such as work station redesign, adjustable fixtures or tool redesign, and administrative controls such as job station, work pacing or work breaks.~~

~~3. Training~~

~~—Employees shall be provided training that includes an explanation of:~~

~~a. The district's program~~

~~b. The exposures that have been associated with RMIs~~

~~c. The symptoms and consequences of injuries caused by repetitive motion~~

~~d. The importance of reporting symptoms and injuries to the employer~~

~~e. Methods used by the district to minimize RMIs~~

~~(cf. 4157 /4257/4357 Employee Safety)~~

~~(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)~~

When an RMI which is objectively identified and diagnosed by a licensed physician to be a musculoskeletal injury has been reported by two or more district employees within a 12-month period, and is determined to be predominantly caused by a repetitive job, process, or operation of an identical work activity, the Superintendent or designee shall: (8 CCR 5110)

1. Evaluate each job, process, or operation of identical work activity at the work site, or a representative number of such jobs, processes, or operations of identical work activities, for exposures which have caused RMIs

2. Correct in a timely manner, or minimize to the extent feasible if correction is not possible, any exposures that have caused RMIs, taking into consideration engineering controls such as work station redesign, adjustable fixtures, or tool redesign, and administrative controls such as job rotation, work pacing, or work breaks

3. Provide staff training that includes an explanation of:
- a. The district's ergonomics program
 - b. The exposures that have been associated with RMIs
 - c. The symptoms and consequences of injuries caused by repetitive motion
 - d. The importance of reporting symptoms and injuries to the district
 - e. Methods used by the district to minimize RMIs

Note: The following **optional** paragraph may be revised to reflect district practice. The ergonomics program may be separate from or a part of the injury and illness prevention program developed pursuant to Labor Code 6401.7 and 8 CCR 3203; see AR 4157/4257/4357 - Employee Safety. Pursuant to Labor Code 6401.7, the injury and illness prevention program must include, among other components, procedures for investigating occupational injury or illness and correcting unsafe or unhealthy conditions, work practices, and work procedures.

Strategies adopted for identifying and correcting workplace conditions or practices that may increase employees' risk of RMIs may be incorporated into the district's injury and illness prevention program developed pursuant to Labor Code 6401.7 and 8 CCR 3203.

(cf. 4157/4257/4357 - Employee Safety)

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

GOVERNMENT CODE

21153 Employer not to separate for disability members eligible to retire

LABOR CODE

142.3 Adoption, amendment or repeal of standards and orders

3200-4855 Workers' compensation, especially:

3550-3553 Employee ~~Notice~~notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5404 Notice of injury or death

6303 Place of employment; employment

6305 Occupational safety and health standards; special orders

6310 Retaliation for filing complaint prohibited

6357 Standards for workplace ergonomics

6401.7 Injury prevention programs

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

3203 Injury and Illness Prevention Program

5110 Repetitive motion injuries

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH PUBLICATIONS

Ergonomic Hazards, Fact Sheet H

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. May 2011

WEB SITES

California Department of Industrial Relations, Division of Occupational Safety and Health: <http://www.dir.ca.gov/dosh>

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007
revised: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Board Policy

Certificated Personnel

BP 4161.3

PROFESSIONAL LEAVES

Note: The following **optional** policy may be subject to collective bargaining agreements.

The Governing Board recognizes that a broad range of experiences can strengthen an employee's ability to meet the educational needs of the district's students.

The Board may grant a professional leave of absence for up to one year to certificated employees for the purpose of permitting study or travel which will benefit the schools and students of the district. No more than one such leave of absence may be granted to an employee in a ~~sixseven~~-year period. (Education Code 44966, 44967)

(cf. 4131 - Staff Development)

(cf. 4161/4261/4361 - Leaves)

Note: Education Code 44967 requires that an employee serve in the district for at least seven consecutive years preceding the granting of the leave to be eligible for professional leave. Education Code 44967 authorizes the Board to prescribe additional standards of service for granting the employee the leave of absence. The following paragraph may be modified to reflect district practice.

To be eligible for a professional leave of absence, an employee must have served in the district for at least ~~sixseven~~ consecutive years preceding the leave. For this purpose, any prior professional leave taken by an employee shall be deemed a break in the employee's service. No other type of leave authorized by the Board, and no service by the employee for one year or less under a national recognized fellowship or foundation approved by the State Board of Education for research, teaching, or lecturing, shall be deemed a break in the employee's service. (Education Code 44967)

Rather than granting a professional leave for a continuous one-year period, the Board may require that the leave be taken in separate six-month periods or separate quarters, provided that the total leave is completed within three years. Any period of service by the employee between the separate periods of leave shall comprise a part of the service required for a subsequent leave of absence. (Education Code 44966)

As a condition of being granted professional leave, the employee shall agree in writing to render service in the district following his/her return for a period equal to not less than two years twice the period of ~~the~~ leave. (Education Code 44969)

The Board and employee may agree in writing to have the employee perform services for the district during the professional leave. (Education Code 44968)

Unless the employee agrees in writing with the Board not to receive compensation during the leave, the employee shall receive such compensation during the leave as the Board and employee agree upon in writing, which shall not be less than the difference between the

employee's salary and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. In lieu of such a difference, the Board may pay one-half of the salary of the employee or any additional amount up to and including the full salary of the employee. (Education Code 44968, 44968.5)

Compensation during the leave shall be paid in the manner authorized by Education Code 44969 and 44970.

At the end of the professional leave, the employee shall be reinstated in the position he/she held when the leave was granted, unless otherwise agreed upon by the employee. (Education Code 44973)

Legal Reference:

EDUCATION CODE

44966-44976 Leaves of absence for study or travel

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Policy adopted: October 9, 2018

Sierra County/Sierra-Plumas Joint USD

Board Policy

Classified Personnel

BP 4261.3

PROFESSIONAL LEAVES

Note: The following **optional** policy is for use by districts that offer classified employees a leave of absence for purposes of study or retraining, as authorized by Education Code 45380-45387. The policy may be subject to collective bargaining agreements and, in merit system districts, to personnel commission rules.

The Governing Board recognizes that a broad range of experiences can strengthen an employee's ability to meet the district's needs.

The Board may grant a professional leave of absence for up to one year to classified employees for the purpose of permitting study or retraining the employee to meet changing conditions within the district. No more than one such leave of absence may be granted to an employee in a seven-year period for purposes of study or three-year period for purposes of retraining. (Education Code 45381, 45382)

(cf. 4161/4261/4361 - Leaves)

(cf. 4231 - Staff Development)

Note: Education Code 45382 requires that an employee serve in the district a specified period of time to be eligible for professional leave. Education Code 45382 authorizes the Governing Board and/or the personnel commission in merit system districts to prescribe additional standards of service which shall entitle the employee to the leave of absence. The following paragraph may be modified to reflect district practice.

To be eligible for a leave for study purposes, the employee must have served in the district for at least seven consecutive years preceding the granting of the leave. If the leave is for purposes of retraining, the employee must have served in the district for at least three consecutive years preceding the granting of the leave. Any professional leave of absence granted by the Board shall not be deemed a break in service. However, it will not be included as service in computing service for the granting of any subsequent professional leave. (Education Code 45382)

Rather than granting a professional leave for a continuous one-year period, the Board may require that the leave be taken in separate six-month periods or in any other appropriate periods, provided that the total leave is completed within three years. Any period of service by the employee between the separate periods of leave shall comprise a part of the service required for qualifying for a subsequent leave of absence. (Education Code 45381)

The Board and employee may agree in writing to have the employee perform services for the district during the professional leave. (Education Code 45383)

The employee shall receive such compensation during the leave as the Board and employee agree upon in writing, which shall not be less than the difference between the employee's salary and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. In lieu of such a difference, the Board may pay one-half of the salary of

the employee or any additional amount up to and including the full salary of the employee. (Education Code 45383)

Compensation during the leave shall be paid in the manner authorized by Education Code 45384.

The Board may grant reimbursement of the costs, including tuition fees, to any classified employee who satisfactorily completes approved training to improve his/her job knowledge, ability, or skill, as long as the employee is not eligible for reimbursement by another governmental agency, organization, or association. Programs eligible for reimbursement include, but are not limited to, courses of study at approved academic institutions, seminars and training institutes conducted by recognized professional associations, conferences, meetings, and other training programs that are designed to upgrade the classified service and encourage the retraining of employees who may otherwise be subject to layoff as the result of technological changes. (Education Code 45387)

Legal Reference:

EDUCATION CODE

45220-45320 Merit system

45380-45387 Leaves of absence for study or retraining, classified personnel

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

Board Policy

Students

BP 5112.5

OPEN/CLOSED CAMPUS

Note: Education Code 44808.5 grants the Governing Board the authority to allow high school students to leave the school campus during lunch. Neither the district nor its employees or officers are liable for the conduct or safety of students who leave school grounds pursuant to Education Code 44808.5. Districts that maintain high schools may select Option 1 (open campus) or Option 2 (closed campus) below. Districts that do not maintain high schools may delete this policy or select Option 2.

OPTION 1: Open/Closed Campus

In order to give students an opportunity to demonstrate responsibility, independent judgment, and positive citizenship, the Governing Board of Education establishes an open campus at all district senior high schools in which students shall have the privilege of leaving campus during lunch.

~~The privilege of open campus may be revoked from individual students for disciplinary reasons.
(cf. 5144 - Discipline)~~

Note: The following optional paragraph is for use by districts that choose to impose conditions on the privilege to leave campus during lunch (e.g., based on academic achievement, attendance, and/or grade level) and may be revised to reflect specific district criteria, the process for determining eligibility, and/or the person responsible for enforcement.

The principal or designee shall ensure that students granted this privilege meet any eligibility requirements established by the district.

The district shall send written notification to parents/guardians about the open campus policy at the beginning of the school year along with the parental notification required by Education Code 48980. Such notification shall include the language prescribed by Education Code 44808.5.
(cf. 5145.6 - Parental Notifications)

Students shall not leave ~~the~~ school grounds at any other time during the school day without ~~written~~express permission of ~~their parents/guardians and~~ school authorities. -Students who leave school ~~or who fail to return following lunch~~ without authorization shall be ~~classified truant and~~ considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.11 - Attendance Supervision)
(cf. 5113.12 - District School Attendance Review Board)

The principal or designee may revoke the open campus privilege for individual students for disciplinary reasons.
(cf. 5144 - Discipline)

OPTION 2: Closed Campus

In order to keep students in a supervised, safe, and orderly environment, the Governing Board establishes a closed campus at all district schools.

Students shall not leave school grounds at any time during the school day without express permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the ~~Board~~board

35160.1 Broad authority of school district

44808.5 Permission for ~~pupils~~students to leave school grounds; notice

48980 Annual notification to parents/guardians

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

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Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Students

AR 5141.32

HEALTH SCREENING FOR SCHOOL ENTRY

Note: The following **optional** regulation is for use by districts that offer grades K-1.

Comprehensive Health Screening for Grades K-1

Note: Health and Safety Code 124085 requires students to have a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter, as provided below. At their discretion, districts may revise the following paragraph to require proof of the health screening before the student is admitted to school (kindergarten or grade 1), as recommended by the Child Health and Disability Prevention (CHDP) office of the California Department of Health Care Services (DHCS) in its CHDP School Handbook: School Entry Health Examination Requirements.

Pursuant to Health and Safety Code 124085, evidence of the comprehensive health screening must be provided on a form developed by the DHCS. Districts may obtain the DHCS "Report of Health Examination for School Entry" certification form through the CHDP program office at the local health department or on the CHDP web site.

The parent/guardian of a student in kindergarten or first grade shall submit to the Superintendent or designee a certification form developed by the California Department of Health Care Services (DHCS) and signed by the student's health examiner certifying that the student has completed a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter. (Health and Safety Code 124040, 124085)

(cf. 5111 - Admission)

(cf. 5141.3 - Health Examinations)

Students

~~Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Sierra-Plumas Joint Unified School District/Sierra County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.~~

Parental Notifications

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

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

Note: Pursuant to Health and Safety Code 124100, the notification described in the following paragraph must be provided in cooperation with the county's CHDP program established pursuant to Health and Safety Code 124025-124110. The CHDP program provides state-reimbursed health examinations at no cost to eligible students, including those who (1) are certified as eligible to receive Medi-Cal, (2) are not certified as eligible for Medi-Cal but have a family income at or below the level established annually by the DHCS, or (3) are attending a Head Start or State Preschool program. Annual eligibility criteria for the CHDP program are available on the DHCS web site.

The Superintendent or designee shall ~~inform~~notify parents/guardians of all kindergarten students of the requirement to obtain a health screening ~~in accordance with Health and Safety Code 124085~~ and of the availability of the Child Health and Disability Prevention (CHDP) program established pursuant to Health and Safety Code 124025-124110 to assist eligible low-income families in obtaining the health screening. ~~Parents/guardians also shall be notified that if they do not obtain the health screening, they must sign a waiver as described below in the section "Certification/Waiver of Health Screening."~~ (Health and Safety Code 124100)

(cf. 5145.6 - ~~Parent~~Parental Notifications)

~~The notice to parents/guardians shall include a form developed by the California Department of Health Care Services (DHCS) to be completed by the student's health examiner and used to certify completion of the health screening.~~

Note: The following **optional** paragraph reflects legislative intent in Health and Safety Code 124105 encouraging students to complete the health screening in conjunction with immunizations prior to enrolling in kindergarten. The CHDP School Handbook: School Entry Health Examination Requirements recommends that schools include the parent/guardian notice in the kindergarten registration packet because it has been found to be most effective to collect the certification forms at kindergarten entry.

The notice and certification form shall be included with the notification of immunization requirements provided to parents/guardians prior to their child's enrollment in kindergarten and shall encourage completion of the health screening simultaneously with immunizations.

The notice shall also be provided to ~~parents/guardians~~the parent/guardian of any student who is enrolling in first grade without having attended kindergarten in the district.

(cf. 5141.31 - Immunizations)

Certification/Waiver of Health Screening

~~Within 90 days after a student's entrance into first grade, his/her~~ In lieu of the certification, the parent/guardian shall provide the Superintendent or designee with the completed certification form documenting that the student has obtained the health screening within the prior 18 months. (Health and Safety Code 124085)

~~In lieu of the certificate, parents/guardians~~ may submit a waiver on a form developed by DHCS indicating that ~~they do~~he/she does not want or ~~are~~is unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

(cf. 5111 - ~~Admission~~)

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

~~Upon request, the Superintendent or designee shall provide a parent/guardian with a waiver form developed by the DHCS.~~

~~The Note: The following **optional** paragraph may be revised to reflect district practice. The CHDP School Handbook: School Entry Health Examination Requirements recommends that the waiver form be provided to parents/guardians upon request rather than distributed with the notification of the health screening requirement.~~

The waiver form shall be provided to a parent/guardian upon request.

The completed certification form or the waiver shall be maintained in the student's health file or cumulative record. (5 CCR 432)

(cf. 5125 - Student Records)

During the first 90 days of the school year, the Superintendent or designee may contact any ~~parents/guardians~~parent/guardian of a first-grade ~~students~~student who ~~have~~has not provided either the certification form or the waiver. ~~The Superintendent or designee may contact any such parents/guardians a second time~~ to ensure that ~~they understand the requirements~~the parent/guardian understands the health screening requirement and, if appropriate, ~~their~~his/her possible eligibility for the CHDP program.

Exclusions from Attendance

~~Any~~The Superintendent or designee shall exclude from school, for not more than five school days, ~~any~~ first-grade student who does not present evidence of a health screening or a waiver on or before the 90th day after entering first grade ~~shall be excluded from school for not more than five school days.~~ The exclusion shall begin on the 91st day after the student's entrance into the first grade, or if school is not in session, then on the next succeeding school day. (Health and Safety Code 124105)

Note: Pursuant to Health and Safety Code 124105, the exemptions described in the following paragraph may not exceed five percent of the district's first-grade enrollment.

The Superintendent or designee may exempt a student from exclusion when his/her parents/guardians have been contacted at least twice between the first day and the 90th day after the student's enrollment in first grade and the parents/guardians refuse to provide either a certification form or a waiver. (Health and Safety Code 124105)

(cf. 5112.2 - Exclusions from Attendance)

Oral Health Assessment for Grades K-1

No later than May 31 of the school year, the parent/guardian of any kindergarten student or of any first-grade student who was not previously enrolled in a public school shall certify that the student has received an oral health assessment. The oral health assessment shall have been performed by a licensed dentist or other authorized dental health professional no earlier than 12 months prior to the date of the student's initial enrollment. (Education Code 49452.8)

Note: The California Department of Education (CDE) has developed a sample parental notification letter, available on its web site, which satisfies the following requirements of Education Code 49452.8.

The Superintendent or designee shall notify parents/guardians of students in grades K-1 of the oral health assessment requirement. The notification shall, at a minimum, consist of a letter that includes all of the following: (Education Code 49452.8)

1. An explanation of the administrative requirements of the law
2. Information on the importance of primary teeth
3. Information on the importance of oral health to overall health and to learning
4. A toll-free telephone number to request an application for Medi-Cal or other government-subsidized health insurance programs
5. Contact information for county public health departments
6. A statement of privacy applicable under state and federal laws and regulations

Note: The following **optional** paragraph may be revised to reflect district practice. As required by Education Code 49452.8, the CDE has developed a standardized "Oral Health Assessment Form," available on its web site, to be used by all districts to obtain the certification of the assessment.

The notification, along with a copy of the certification form developed by the California Department of Education, shall be provided to parents/guardians when they register their child for school.

Following completion of the assessment, the parent/guardian shall submit to the Superintendent or designee a completed certification form which has been signed by the dental health professional.

Note: Pursuant to Education Code 49452.8, if parents/guardians are unable to obtain the oral health assessment for any of the reasons specified below, they must instead complete the section of the CDE's certification form indicating why an assessment could not be completed.

A parent/guardian may be excused from complying with the oral health assessment requirements if he/she indicates on the certification form that the assessment could not be completed for any of the following reasons: (Education Code 49452.8)

1. Completion of an assessment poses an undue financial burden on the parent/guardian.
2. The parent/guardian lacks access to a licensed dentist or other dental health professional.
3. The parent/guardian does not consent to an assessment.

Note: The following paragraph is **optional**. Education Code 49452.8, as amended by SB 379 (Ch. 772, Statutes of 2017), requires the CDE's certification form to include specified information in regard to parental rights related to school site oral health assessments.

If the district hosts a free oral health assessment event at which licensed dentists or other licensed dental health professionals perform school site assessments of students enrolled in the school, any student who has not had an oral health assessment shall be given an assessment unless his/her

parent/guardian has indicated on the certification form that he/she does not consent to the student receiving an assessment. However, a student shall not receive dental treatment of any kind without his/her parent/guardian's informed consent for the treatment. (Education Code 49452.8)

Note: The following paragraph is optional.

Students who are not assessed, or for whom the parents/guardians fail to return the certification form, shall not be excluded from school attendance.

Note: SB 379 (Ch. 772, Statutes of 2017) amended Education Code 49452.8 to change the date for reporting oral health assessment data, as provided in the following paragraph.

By July 1 of each year, the Superintendent or designee shall report data on oral health assessments to the state dental director and/or the county office of education in accordance with Education Code 49452.8.

The report shall also be provided to the Governing Board. The identity of any student shall not be included in the report.

Legal Reference:

EDUCATION CODE

48985 Notice to parents in language other than English

49060-49079 ~~Pupil~~Student records

49452.8 Oral health assessment

HEALTH AND SAFETY CODE

104395 Child Health and Disability Prevention Program expansion

124025-124110 Child Health and Disability Prevention Program, especially:

124085 Certificate documenting health screening and evaluation services; waiver by parent/guardian

124100 Distribution of program information to parents/guardians of kindergarten children

124105 Exclusions and exemption; legislative intent of notification contents

CODE OF REGULATIONS, TITLE 5

432 Student records

CODE OF REGULATIONS, TITLE 17

6800-6874 Child Health and Disability Prevention Program

Management Resources:

CSBA PUBLICATIONS

~~Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Governance and Policy Services, Policy Brief, February 2007~~

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

Child Health & Disability Prevention (CHDP) Program: Oral Health Educational Resources for Children and Teens (6-20 years), rev. July 2013

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

WEB SITES

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

California Dental Association: <http://www.cda.org>

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

~~California Dental Association: <http://www.cda.org>~~

California Department of Health Care Services, Child Health and Disability Prevention Program:

<http://www.dhcs.ca.gov/services/chdp>

California Healthy Kids Resource Center: ~~http~~ <https://www.californiahealthykidsccrcca.org/resources/family-resource-directory/item/california-healthy-kids-resource-center>

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

Regulation approved: April 10, 2007

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Sierra County/Sierra-Plumas Joint USD

Board Policy

Instruction

BP 6174

EDUCATION FOR ENGLISH LEARNERS

Note: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See the CDE web site for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's publication [The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners](#), available on its web site.

The Governing Board of Education intends to provide English learners with challenging curriculum and instruction that ~~develop~~maximize the attainment of high levels of proficiency in English ~~while facilitating~~, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

Note: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. The CDE's Roadmap provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

Note: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Note: Pursuant to Education Code 60811, in November 2012 the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. In July 2014, the SBE adopted the English Language Arts/English Language Development Framework aligned to those standards. A supplementary resource, Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, specifies the correspondence between the state ELD standards and the California Common Core State Standards for mathematics and the Next Generation Science Standards.

CDE's Roadmap encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasize inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards ~~and curriculum framework~~. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and assist critical thinking skills, and provide students ~~in accessing with access to~~ the full educational program.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

Note: Commission on Teacher Credentialing (CTC) leaflet CL-622, Serving English Learners, describes requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from the CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

Note: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional

development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: The following paragraph is optional. The CDE's Roadmap indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

Identification and Assessment

Note: The CDE's Roadmap emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using a state assessment designated by the SBE. The state English Language Proficiency Assessments for California are aligned with the 2012 state standards for ELD. They include an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration and identification and reclassification criteria.

The Superintendent or designee shall maintain procedures for the accurate early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

Note: In addition to testing the level of English proficiency of English learners, districts are required pursuant to Education Code 60640 to administer the California Assessment of Student Performance and Progress to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., universal tools, designated supports, and accommodations) specified in 5 CCR 854.1-854.3, as renumbered by Register 2018, No. 4, during test administration.

Education Code 60640 also authorizes districts to administer a primary language assessment to English learners in grades 2-11 for the purpose of assessing students' competency in reading, writing, and listening in their primary language. The Standards-Based Test in Spanish may be used for this purpose until a test is available that is aligned with the most recent state ELD standards. The new California Spanish Assessment is expected to be operational in the 2018-19 school year.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in

accordance with 5 CCR ~~853.5 and 853.7.854.1-854.3~~. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR ~~853.5, 853.7.854.1-854.3~~)

(cf. ~~6152.6162.51~~ - State Academic Achievement Tests)

Note: The following paragraph is **optional**. The CDE's Roadmap highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

~~In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)~~

~~Language acquisition programs are educational.~~ Note: Education Code 305-310 authorize parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. ~~The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306 (Education Code 306; 5 CCR 11300))~~

~~The~~ At a minimum, the district shall offer ~~English learners~~ a structured English immersion program ~~to ensure that English learners have access to the core academic content standards, including the which includes designated and integrated English language development standards, and become proficient in English.~~ In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

Note: The following **optional** paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

Note: Items #1-2 below are **optional** and may be revised to reflect district practice.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. The district may offer a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
(cf. 6142.2 - World/Foreign Language Instruction)
2. The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

Note: The following paragraph is for use by districts that maintain any of grades K-3.

~~Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310)~~

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)
(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. ~~(Education Code 310, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)~~

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. See the section "Language Acquisition Programs" in the accompanying administrative regulation.

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

Reclassification

When an English learner is determined ~~pursuant to~~based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

Note: The following section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners.

Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, the CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

20 USC 6311 requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
 2. The number and percentage of English learners reclassified as fluent English proficient
 3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
 4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309

6. Progress toward any other goals for English learners identified in the district's LCAP
67. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee ~~also~~ shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:

- EDUCATION CODE
 300-340 English language education, especially:
 305-310 Language acquisition programs
 313-313.5 Assessment of English proficiency
 430-446 English Learner and Immigrant Pupil Federal Conformity Act
 33050 State Board of Education waiver authority
 42238.02-42238.03 Local control funding formula
 44253.1-44253.11 Qualifications for teaching English learners
 48980 Parental notifications
 48985 Notices to parents in language other than English
 52052 Numerically significant student subgroups
 52060-52077 Local control and accountability plan
~~52130-52135 Impacted Languages Act of 1984~~
 52160-52178 Bilingual Bicultural Act
 56305 CDE manual on English learners with disabilities
 60603 Definition, recently arrived English learner
~~60605.87 Supplemental instructional materials, English language development~~
 60640 California Assessment of Student Performance and Progress
 60810-60812 Assessment of language development
~~6200562002.5 Continuation of advisory committee after program sunsets~~
CODE OF REGULATIONS, TITLE 5
~~853.5-853.7 Test administration; 854.1-854.3 CAASPP and universal tools, designated supports, and accommodations~~
~~854.9 CASSPP and unlisted resources for students with disabilities~~
 11300-11316 English learner education
 11510-11517.5 California English Language Development Test
~~11517.6-11519.5 English Language Proficiency Assessments for California~~
UNITED STATES CODE, TITLE 20
 1412 Individuals with Disabilities Education Act; state eligibility
 1701-1705 Equal Educational Opportunities Act
 6311 Title I state plan
 6312 Title I local education agency plans
 6801-7014 Title III, language instruction for English learners and immigrant students
 7801 Definitions
CODE OF FEDERAL REGULATIONS, TITLE 34
 100.3 Discrimination prohibited
 200.16 Assessment of English learners
COURT DECISIONS
 Valeria ~~GO.~~ v. ~~Wilson~~ Davis, (2002) 307 F.3d 1036
 California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
 McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
 Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698
ATTORNEY GENERAL OPINIONS
 83 Ops.Cal.Atty.Gen. 40 (2000)
- Management Resources:*
CSBA PUBLICATIONS
 English Learners in Focus: *The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018*

- English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017*
- English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016*
- English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016*
- English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014*
- CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
- California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018*
- Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017*
- Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017*
- Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015*
- Academic Criterion for ~~Reclassification~~, CDE Correspondence, August 11, 2014
- English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014
- Common Core State Standards for Mathematics, rev. 2013*
- Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013, rev. March 2015*
- English Language Arts/English Language Development Standards Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014*
- Common Core State Standards for Mathematics, rev. 2013*
- English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012*
- Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments
- THE EDUCATION TRUST- WEST PUBLICATIONS
- Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018*
- Unlocking Learning: Science as a Lever for English Learner Equity, January 2017*
- U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
- Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017*
- Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017*
- English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016*
- English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016*
- Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015*
- Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007
- WEB SITES
- CSBA: <http://www.csba.org>
- California Association for Bilingual Education: <http://www.gocabe.org>
- California Department of Education: <http://www.cde.ca.gov/sp/el>
- National Clearinghouse for English Language Acquisition: <http://www.ncela.us>
- The Education Trust-West: <https://west.edtrust.org>
- U.S. Department of Education: <http://www.ed.gov>

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

Administrative Regulation

Instruction _____ AR 6174

EDUCATION FOR ENGLISH LEARNERS

Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

Identification and Assessments

Note: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) web site.

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Note: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. The English Language Proficiency Assessments for California (ELPAC) are used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the ~~state's designated-English language proficiency test~~ Language Proficiency Assessments for initial identification-California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ~~state's designated-English language proficiency test~~ ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

~~The Note: 5 CCR 11518.30-11518.35, as renumbered by Register 2017, No. 23, specify allowable variations and accommodations in the administration of the state English language proficiency assessment.~~

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR ~~11511-11516.6~~ 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR ~~11516-11516.6~~ 11518.30-11518.35.

Note: The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ELPAC as appropriate. English learners with disabilities must be allowed to take the test with accommodations as specified in their individualized education program or Section 504 plan. Pursuant to 5 CCR 11518.30, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency. 34 CFR 200.16 provides that, if an English learner with a disability is unable to take the assessment with accommodations, the state accountability system must include the student's score on any part(s) of the test for which it is possible to assess the student (i.e., speaking, reading, listening, writing).

Education Code 56305, as amended by AB 99 (Ch. 15, Statutes of 2017), requires CDE to develop, by January 1, 2019, a manual providing guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR ~~11516-11516.7~~ 11518.25-11518.35; 20 USC 1412)

~~(cf. 6152.51 - State Academic Achievement Tests)~~

~~(cf. 6159 - Individualized Education Program)~~

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

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

Note: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. CDE has developed sample notification letters, available on its web site in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

The Superintendent or designee shall notify parents/guardians of their child's results on the state's English language proficiency assessment ELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)
(*cf. 5145.6 - Parental Notifications*)

Note: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, districts receiving Title I or Title III funds are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program.

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
 - b. The manner in which the program will meet the educational strengths and needs of the student
 - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation

- d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
- e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

4Note: Education Code 313.2, as amended by AB 81 (Ch. 609, Statutes of 2017), requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in item #4 below.

- 4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
- 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
- 56. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
- 67. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

Note: Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

- 1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on

the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
 - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
 - d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

Note: Pursuant to 5 CCR 11310, as amended by Register 2018, No. 20, districts are required to notify parents/guardians regarding language acquisition programs at the beginning of each school year or upon a student's enrollment. The following section includes the notice requirements pursuant to 5 CCR 11310.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion

2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

Note: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in items #1-4 below. Additional guidance is available on the CDE's web site. The district may expand the following list to reflect any additional criteria it has established.

The measures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ~~state's English language proficiency assessment~~ ELPAC
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

Note: Pursuant to Education Code 313, the fourth criterion requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from CDE to district superintendents (Reclassification Guidance for 2017-18) dated April 28, 2017 clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion, or districts may select another local assessment. The CDE correspondence provides examples of appropriate measures and is available on the CDE web site.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

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

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support ~~to ensure his/her language and academic success.~~

Advisory Committee

Note: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, a parent/guardian advisory committee is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committee are specified in 5 CCR 11308.

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a ~~district master plan~~ offor education programs and services for English learners, taking into consideration the school site plans for English learners

2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

LCAP Advisory Committee

Note: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner parent advisory committee to review and comment on the district's local control and accountability plan; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners.

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR [11301](#), 15495)

(cf. 0460 - Local Control and Accountability Plan)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

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

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