

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

August 13, 2019

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. FLAG SALUTE

D. APPROVAL OF AGENDA

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. Possible use of TUPE funding to purchase LED message boards**
- b. 2019-2020 Certificated Substitute List**
- c. Acceptance of resignation for Robin Griffin, Instructional Aide, Loyalton High School, .625 FTE, effective July 11, 2019**
- d. Professional Services Agreement with Anna Goodwin for 2019-2020
- e. Foster Youth Update

2. Business Report

- a. Account Object Summary-Balance from 07/01/2019 to 07/31/2019**

3. Staff Reports (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

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held July 09, 2019**
2. Approval of Board Report-Checks Dated 07/01/2019 through 07/31/2019**

G. ACTION ITEMS

1. Old Business

- a. Discussion/Update on Adult Education Program

2. New Business

- a. Tentative Appointment and Oath of Office of the New Superintendent to Sierra County Superintendent of Schools
- b. Tentative Adoption of Resolution 20-003C to set the New County Superintendent Salary*

ROLL CALL VOTE

PUBLIC HEARING – Declaration of Need

- c. Public Hearing to receive public comment regarding the announcement of the adoption of the Declaration of Need for Fully Qualified Educators for the 2019-2020 School Year (Item b)
- d. Approval of the Declaration of Need for Fully Qualified Educators for the 2019-2020 school year *A diligent search to recruit fully prepared teacher(s) was made and an insufficient number of certificated persons met the Sierra County Office of Education's employment criteria for the position(s)***
- e. Approval of the CBEST Waiver for Substitute Teachers *(The Sierra COE has been unable to recruit enough day-to-day substitute teachers who have not had an opportunity to take and pass all sections of the California Basic Educational Skills Test. The SCOE anticipates employing no greater than three (3) day-to-day substitutes on variable term CBEST waiver for the 2019-2020 school year) ***
- f. Approval of Speech and Language Aide position at Loyalton Elementary School—Special Education, .60 FTE
- g. Approval of Speech and Language Aide job description and salary schedule placement, .60 FTE**
- h. Authorization to fill Speech and Language Aide position, Loyalton Elementary School—Special Education, .60 FTE
- i. Approval of Assignment of Melissa Bayly, Instructional Aide, Loyalton Elementary School, .88 FTE
- j. Authorization to fill Instructional Aide position at Loyalton High School, .625 FTE

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

From July:

- k. 3510—Green School Operations
 - 1. Board Policy, *NEW****
- l. 3511—Energy and Water Management
 - 1. Board Policy, *revisions****
 - 2. Administrative Regulation, *revisions****
- m. 3514—Environmental Safety
 - 1. Administrative Regulation, *revisions****
- n. 4119.22~4219.22~4319.22—Dress and Grooming
 - 1. Board Policy, *revisions****
- o. 5131.2—Bullying
 - 1. Board Policy, *revisions****
 - 2. Administrative Regulation, *NEW****
- p. 5132—Dress and Grooming
 - 1. Board Policy, *revisions****
 - 2. Administrative Regulation, *revisions****

For August:

- q. 3551—Food Service Operations/Cafeteria Fund
 - 1. Board Policy, *revisions***
 - 2. Administrative Regulation, *revisions***
- r. 4117.7~4317.7—Employment Status Reports
 - 1. Administrative Regulation, *revisions***
- s. 4119.24~4219.24~4319.24—Maintaining Appropriate Adult-Student Interactions
 - 1. Board Policy, *NEW***
- t. 6145.2—Athletic Competition
 - 1. Administrative Regulation, *revisions***

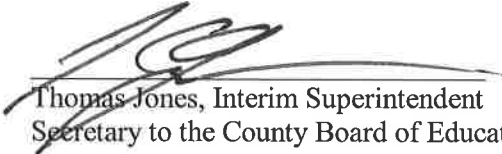
Sierra County Board of Education
August 13, 2019 Board Meeting Agenda

- u. 6174—Education for English Learners
 - 1. Board Policy, *revisions***
 - 2. Administrative Regulation, *revisions***
- v. 6179—Supplemental Instruction
 - 1. Board Policy, *revisions***
- w. Discussion and possible approval of precedent for fingerprinting new Board members including Appointed vs. Elected Candidate**

H. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on September 10, 2019 at Sierra County Office of Education, 109 Beckwith Rd, Loyalton CA 96118, beginning with Closed Session as needed at 5:00pm and the Regular Board Meeting at 6:00pm.
- 2. Suggested Agenda Items
 - a. _____
 - b. _____

I. ADJOURN



Thomas Jones, Interim Superintendent
Secretary to the County Board of Education

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



Golden Rule Signs, LLC
2420 Holloway Road
Louisville, KY 40299

Sales Order

Date	S.O. No.
7/24/2019	51170BAL

Name/Address

Sierra-Plumas Joint Unified
 Thomas Jones
 109 Beckwith Rd
 Loyalton, CA 96118
 Thomas Jones

Ship To

Client Install
 TBD

Description	Ordered	P.O. No.	Amount
		pending	
L.E.D. Message Unit Loyalton High School 10mm 96 x 192 Single Face Quote#14708	1	15,729.02	15,729.02
L.E.D. Message Unit Downieville High School 10mm 96 x 192 Single Face Quote#14736	1	15,729.02	15,729.02
L.E.D. Message Unit Sierra-Plumas Joint Unified 10mm 96 x 192 Double Face	1	24,639.88	24,639.88
L.E.D. Message Unit Loyalton Elementary 10mm 96 x 192 Single Face Quote # 14709	1	12,910.30	12,910.30
		Total	

Thank you for your business.
 Phone: 1-800-732-9886
 Fax: 1-502-416-0544
www.goldenrulesigns.com



Golden Rule Signs, LLC
2420 Holloway Road
Louisville, KY 40299

Sales Order

Date	S.O. No.
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Sierra-Plumas Joint Unified
 Thomas Jones
 109 Beckwith Rd
 Loyalton, CA 96118
 Thomas Jones

Ship To

Client Install
 TBD

P.O. No.
pending

Description	Ordered	Rate	Amount
Your organization is required to pay the California Equalization Board directly when you purchase from an out-of-state vendor.		0.00	0.00
Total			\$69,008.22

Thank you for your business.
 Phone: 1-800-732-9886
 Fax: 1-502-416-0544
www.goldenrulesigns.com

**SIERRA COUNTY OFFICE OF EDUCATION
CERTIFICATED SUBSTITUTE LIST 2019-2020**

LAST NAME	FIRST NAME	CREDENTIAL	SERVES
BRUNS	DIANNE	EMERGENCY 30 DAY SUBSTITUTE	All Schools
CORCORAN	CANDY	EMERGENCY 30 DAY SUBSTITUTE	Loyalton Schools
DONNELLY	AMBER	CLEAR SINGLE SUBJ BUSINESS, SPANISH	Loyalton Schools
DORSEY	DONNA	EMERGENCY 30 DAY SUBSTITUTE	All Schools
DOUVILLE	PAUL	CLEAR MULTIPLE SUBJECT	Downieville School
GALAN	KAREN	CLEAR MULTIPLE SUBJECT	Downieville School
JOHNSTON	JAMES	ELEMENTARY ED/ADMIN	Downieville School
LOPEZ	SYLVIA	EMERGENCY 30 DAY SUBSTITUTE	Downieville School
McKINNEY	KIM	CLEAR SINGLE SUBJ MATHEMATICS	Loyalton & Downieville Gr. 7-12 (no Wed)
MONGOLO	MARLENE	MULTIPLE SUBJECT/SPECIAL ED	Loyalton, Downieville
OSTROM	SIGURD	SINGLE SUBJ ART, P.E. w/SUPP BIOLOGY	All Schools 7-12
REMILLARD	SUZANNE	CLEAR MULTIPLE SUBJECT	Loyalton Elem, Alt Ed
ROBERTS	VIRGINIA	EMERGENCY 30 DAY SUBSTITUTE	Loyalton Schools
TEAGUE	ERNEST	STANDARD SECONDARY/ELEM	All Schools
THOMPSON	NANCY	STANDARD TEACHING CREDENTIAL	Loyalton Elementary
WENTLING	LAURIEL	EMERGENCY 30 DAY SUBSTITUTE	Loyalton Schools
			7/24/19
			doc:Sub List/SCOE substitute list 2019-20_Board_Aug 2019

From: [REDACTED]

Sent: Thursday, July 11, 2019 10:20 AM

To: Laraine Sei

Subject: Position

I Robin Griffin am resigning from my position of instructional aid for 3.75 hours effective immediately. I am going to take the position for instructional aid for 5.25 hours.

- Robin Griffin

Balances through July						Fiscal Year 2019/20
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	288,697.00	288,697.00	258,818.00		29,879.00
1115	Certificated Extra Duty	250.00	250.00			250.00
1120	Certificated Substitutes	12,325.00	12,325.00		2,400.00	9,925.00
1200	Certificated Pupil Support Ser	30,561.00	30,561.00	28,014.03	2,546.73	.24
1300	Certificated Supervisor Admini	260,757.00	260,757.00	223,860.45	20,350.95	16,545.60
1310	Teacher in Charge	10,000.00	10,000.00			10,000.00
	Total for Object 1000	602,590.00	602,590.00	510,692.48	25,297.68	66,599.84
2100	Instructional Aides' Salaries	196,300.00	196,300.00	127,298.91	1,198.80	67,802.29
2115	Classified Extra Duty	1,000.00	1,000.00			1,000.00
2120	Classified Substitutes	7,755.00	7,755.00			7,755.00
2200	Classified Support Salaries	28,846.00	28,846.00	11,571.19	463.52	16,811.29
2215	Classified Support Extra Duty	1,000.00	1,000.00		294.67	705.33
2220	Classified Substitute Salaries	1,000.00	1,000.00			1,000.00
2300	Classified Supervisors' Admini	104,378.00	104,378.00	94,853.00	8,668.00	857.00
2400	Clerical Technical Office Staf	127,065.00	127,065.00	114,960.75	9,222.00	2,882.25
2420	Clerical Substiture	250.00	250.00			250.00
2900	Other Classified Salaries	9,000.00	9,000.00			9,000.00
	Total for Object 2000	476,594.00	476,594.00	348,683.85	19,846.99	108,063.16
3101	STRS Certificated Positions	122,401.00	122,401.00	87,328.40	3,915.50	31,157.10
3102	STRS Classified Positions	803.00	803.00	822.80		19.80-
3202	PERS Classified Positions	89,597.00	89,597.00	71,596.07	4,347.70	13,653.23
3301	OASDI Certificated Positions	932.00	932.00			932.00
3302	OASDI Classified Positions	27,727.00	27,727.00	19,837.22	1,224.53	6,665.25
3311	Medicare Certificated Position	8,344.00	8,344.00	7,002.35	347.75	993.90
3312	Medicare Classified Positions	6,814.00	6,814.00	4,970.44	286.82	1,556.74
3401	Health & Welfare Benefits Cert	108,577.00	108,577.00	100,735.06	3,986.66	3,855.28
3402	Health & Welfare Benefits Clas	84,444.00	84,444.00	99,521.98	5,858.98	20,936.96-
3501	SUI Certificated	300.00	300.00	255.56	12.66	31.78
3502	SUI Classified	239.00	239.00	174.43	9.91	54.66
3601	Workers' Compensation Certific	19,262.00	19,262.00	16,166.62	802.86	2,292.52
3602	Workers' Compensation Classifi	15,378.00	15,378.00	11,474.86	662.18	3,240.96
3902	Golden Handshake-Class			1,104.00	1,104.00	2,208.00-
	Total for Object 3000	484,818.00	484,818.00	420,989.79	22,559.55	41,268.66
4100	Approved Textbooks Core Curric	460.00	460.00			460.00
4300	Materials and Supplies	42,512.00	42,512.00	3,042.33	.06	39,469.61

Balances through July						Fiscal Year 2019/20
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4320	Custodial Grounds Supplies	500.00	500.00			500.00
4330	Office Supplies	1,000.00	1,000.00	180.00		820.00
4350	Vehicle Upkeep	6,000.00	6,000.00	2,000.00	13.39-	4,013.39
4400	Noncapitalized Equipment	17,849.00	17,849.00	627.92		17,221.08
	Total for Object 4000	68,321.00	68,321.00	5,850.25	13.33-	62,484.08
5100	Subagreements for Services	43,000.00	43,000.00			43,000.00
5200	Travel and Conference	47,304.00	47,304.00	5,762.50		41,541.50
5300	Dues and Membership	20,438.00	20,438.00	9,773.39	2,407.49	8,257.12
5400	Insurance	11,000.00	11,000.00	10,994.00		6.00
5500	Operation Housekeeping Service	11,500.00	11,500.00	5,000.00		6,500.00
5600	Rentals, Leases, Repairs, Nonc	3,100.00	3,100.00	751.70	48.26	2,300.04
5801	Legal Services	30,500.00	30,500.00	10,000.00		20,500.00
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	842.00	842.00	200.00		642.00
5806	Negotiations	1,000.00	1,000.00			1,000.00
5808	Other Services & Fees	1,500.00	1,500.00	1,401.52	98.48	.00
5810	Contracted Services	443,765.00	443,765.00	259,578.42	26,093.53	158,093.05
5899	SPJUSD to Reimburse			2,392.75	25,638.32	28,031.07-
5900	Communications	10,500.00	10,500.00	8,503.88	773.08	1,223.04
	Total for Object 5000	624,949.00	624,949.00	314,358.16	55,059.16	255,531.68
6200	Building and Improvement of Bu			23,516.00		23,516.00-
6400	Equipment	20,000.00	20,000.00			20,000.00
6500	Equipment Replacement	15,000.00	15,000.00			15,000.00
	Total for Object 6000	35,000.00	35,000.00	23,516.00	.00	11,484.00
7110	County Tuition Inter Dist Agree	5,501.00	5,501.00			5,501.00
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	29,929.00	29,929.00	.00	.00	29,929.00
	Total for Fund 01 and Expense accounts	2,322,201.00	2,322,201.00	1,624,090.53	122,750.05	575,360.42
Fund 11 - ADULT ED						
1300	Certificated Supervisor Admini	89,732.00	89,732.00	82,254.37	7,477.67	.04-
2100	Instructional Aides' Salaries	5,684.00	5,684.00	4,640.98	75.56	967.46
3101	STRS Certificated Positions	15,344.00	15,344.00	14,065.48	1,278.68	.16-
3202	PERS Classified Positions	1,179.00	1,179.00	880.80	14.90	283.30

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2020, Period = 1, Unposted JEs? = N, Assets and Liabilities? = N, Restricted Accts? = Y, Object = 1-7, SACS Fund? = N, Fund Page Break? = N, Obj Lvl = 4, Obj Digits = 1, Page Break? = N)

Balances through July						Fiscal Year 2019/20
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 11 - ADULT ED (continued)						
3302	OASDI Classified Positions	352.00	352.00	287.72		64.28
3311	Medicare Certificated Position	1,301.00	1,301.00	1,192.73	108.43	.16-
3312	Medicare Classified Positions	82.00	82.00	67.33	1.10	13.57
3401	Health & Welfare Benefits Cert	12,767.00	12,767.00	11,702.90	1,063.90	.20
3501	SUI Certificated	45.00	45.00	41.14	3.74	.12
3502	SUI Classified	3.00	3.00	2.29	.04	.67
3601	Workers' Compensation Certific	3,004.00	3,004.00	2,753.52	250.32	.16
3602	Workers' Compensation Classifi	190.00	190.00	155.34	2.53	32.13
	Total for Object 3000	34,267.00	34,267.00	31,149.25	2,723.64	394.11
4100	Approved Textbooks Core Curric	10,000.00	10,000.00			10,000.00
4300	Materials and Supplies	5,000.00	5,000.00			5,000.00
4400	Noncapitalized Equipment	2,132.00	2,132.00			2,132.00
	Total for Object 4000	17,132.00	17,132.00	.00	.00	17,132.00
5200	Travel and Conference	15,000.00	15,000.00	295.00		14,705.00
5203	MILEAGE	1,000.00	1,000.00	294.64		705.36
5300	Dues and Membership	250.00	250.00	800.00		550.00-
5500	Operation Housekeeping Service	2,500.00	2,500.00			2,500.00
5810	Contracted Services	40,000.00	40,000.00	4,000.00		36,000.00
	Total for Object 5000	58,750.00	58,750.00	5,389.64	.00	53,360.36
6200	Building and Improvement of Bu			16,619.00		16,619.00-
6400	Equipment	22,500.00	22,500.00			22,500.00
	Total for Object 6000	22,500.00	22,500.00	16,619.00	.00	5,881.00
7619	Other Authorized Interfund Tra	935.00	935.00			935.00
	Total for Fund 11 and Expense accounts	229,000.00	229,000.00	140,053.24	10,276.87	78,669.89
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	2,603,322.00	2,603,322.00	1,764,143.77	133,026.92	706,151.31

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

July 09, 2019

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

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

Regular Session held after Board Organization in the 6:00pm Sierra-Plumas Joint Unified School District Governing Board meeting.

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 6:44pm.

B. ROLL CALL

PRESENT: *Patty Hall, President*
Allen Wright, Vice President
Nicole Stannard, Clerk (elected during item E, Board Organization)
Mike Moore, Member
Jenny Gant, Member

ABSENT: *None*

C. FLAG SALUTE

D. APPROVAL OF AGENDA

MOORE/WRIGHT

5/0

E. BOARD ORGANIZATION

1. The Sierra County Board of Education President will call for the election of the Clerk of the Board

GANT motioned to elect Nicole as Clerk. Second by MOORE.

5/0

F. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. SARB Annual Report
- b. Acceptance of resignation for Veronica Vasquez, Instructional Aide, Loyalton Elementary School, .83 FTE, effective June 30, 2019

2. Business Report

- a. Account Object Summary-Balance from 07/01/2018 to 06/30/2019
- b. CDE approval of emergency days in 2018-2019

3. Staff Reports

- a. SELPA—BETHKE: *Speech and Language Pathologist retired and no interested candidates to fill the position currently. Going with an online learning interface service called Presence Learning. Need to have a Speech Aide in the classroom with students and we have an interested candidate for that position. Hoping to hire her for the next school year. Working to develop job description to establish this as a new aide position.*
- b. ADULT ED—JACKSON: *Quick overview of proposed budget for next year. Looking at other locations for housing the Adult Education program. No longer pursuing site at Sierraville School on this side of the county. Overview of draft MOU with FirmFoundation for a site on the Pliocene side of the county. Classes are slotted to begin September 3rd.*

4. Board Member Reports

MOORE: Board busy with Superintendent Search process.

5. Public Comment

a. Current location –

Jenna Holland—Supporter and author of form letter in support of Sarah Bracher. Please don't discount the form letters. I wrote this up as a service for busy parents and community members. Sierra Schools Foundation—gearing up for Golf Tournament coming up in October.

b. Videoconference location – none

G. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held June 11, 2019
2. Approval of minutes for the Special Board Meeting held June 18, 2019
3. Approval of Board Report-Checks Dated 06/01/2019 through 06/30/2019
4. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 06/30/2019. It is required per Education Code 35186 section (d) that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending 06/30/2019.

No complaints during the entire 2018-2019 school year.

MOORE/WRIGHT

5/0

H. ACTION ITEMS

1. Old Business

a. Update on Solar Project

GRIESERT: Contract documents in progress. Construction tentatively scheduled to start by 7/29 and end by 8/23, hopefully before school starts.

b. Discussion and possible Approval of Agreement for Adult Education to utilize Sierraville School Site, 2020-08C, dated June 25, 2019

MOORE motioned to rescind the Agreement 2020-08C. Second by GANT.

5/0

2. New Business

a. Discussion of draft MOU with FirmFoundation for Adult Education services to be established at old Pliocene School site in Fall 2019

HALL: Recommend we take no further action until new Superintendent is seated which should happen at the next Board meeting.

STANNARD & HALL: Would like to see sites.

JACKSON: July 23rd – community meeting at Pliocene site (6-8pm)

PUBLIC HEARING – Collective Bargaining Disclosure Statement

b. Public Hearing to receive public comment regarding Collective Bargaining Agreements (Item c) opened at 7:25pm, closed with no comment

c. Presentation and Approval of the Tentative Collective Bargaining Agreement for Classified Employees, 2018-2019 Negotiations for salary and benefits

MOORE: Patty, Nona, Merrill and I met with Classified Reps and came to an agreement on 2% raise for 18-19 and 2.5% raise for 19-20 – same offer that the other bargaining groups received.

d. Completion of Bargaining, Classified Employees, 2018-2019 Negotiations
GANT moved to approve items c-d. Second by MOORE.

4/0, 1 Abstention

- e. Adoption of Resolution 20-002C, Fund Transfers for 2019-2020 Fiscal Year
MOORE/WRIGHT
ROLL CALL VOTE
MOORE – Aye
HALL – Aye
WRIGHT – Aye
GANT – Aye
STANNARD – Abstain
4/0, 1 Abstention
- f. Authorization to fill Instructional Aide position at Loyalton Elementary school, .83 FTE
MOORE/GANT
5/0
- g. Authorization to fill Instructional Aide position at Downieville School, .58 FTE
WRIGHT/GANT
5/0
- h. Approval of Assignment of Candy Corcoran, Academic Advisor/Career Tech, Loyalton High School, .9 FTE
GANT/MOORE
MOORE/JONES: So it is publicly known, Candy Corcoran’s husband, Augustine Corcoran works as a teacher at LHS. The direct Supervisor for both employees is the Site Administrator, Thomas Jones, so Augustine will not oversee any of Candy’s work or vice versa. There is no violation of Conflict of Interest or nepotism policy. Their work with students is unrelated.
5/0
- i. Accept resignation for Merrill M. Grant, Ed. D, Superintendent, Effective June 30, 2019
MOORE/GANT
5/0

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- j. 3510—Green School Operations
 - 1. Board Policy, *NEW*
- k. 3511—Energy and Water Management
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *revisions*
- l. 3514—Environmental Safety
 - 1. Administrative Regulation, *revisions*
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 - 1. Board Policy, *revisions*
- n. 5131.2—Bullying
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *NEW*
- o. 5132—Dress and Grooming
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *revisions*

MOORE motioned to table all policies to next meeting. Second by WRIGHT.

5/0

I. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on August 13, 2019 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. *Speech and Language Pathologist Aide—establish to hire for 19-20 school year*
- b. *Adult Education—MOU with FirmFoundation*
- c. *Adult Education—update on possible site(s) on East side of county*

J. ADJOURN at 7:31pm

MOORE/WRIGHT

5/0

Nicole Stannard, Clerk

Thomas Jones, Interim Superintendent

Checks Dated 07/01/2019 through 07/31/2019

Board Meeting Date AUGUST 13, 2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015333	07/15/2019	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		773.08
00015334	07/15/2019	HEIDI BETHKE	01-9500	LIFE SKILLS SUPPLIES		72.88
00015335	07/15/2019	CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION	01-4300	SALES TAX	.06	
			01-9502	SALES TAX	416.64	
			11-9502	SALES TAX	20.30	437.00
00015336	07/15/2019	CASBO	01-5300	CASBO DUES		500.00
00015337	07/15/2019	CCSESA	01-5300	AESA MEMBERSHIP	260.00	
				BASC STEERING COMMITTEE	1,000.00	
				TTSC MEMBERSHIP DUES	400.00	1,660.00
00015338	07/15/2019	CCSESA TREASURER c/o SCHOOL SERVICES OF CA	01-5300	EMCN COALITION		105.00
00015339	07/15/2019	ESCAPE TECHNOLOGY	01-5810	ESCAPE LICENSE/PROGRAMMING	25,493.53	
			01-5899	ESCAPE LICENSE/PROGRAMMING	25,493.53	50,987.06
00015340	07/15/2019	GIRARD, EDWARDS, STEVENS & TUCKER LLP	11-9500	LEGAL FEES		275.00
00015341	07/15/2019	JULIAN CHO, CASP	11-9500	ACCESSIBILITY INSPECTION		2,650.00
00015342	07/15/2019	LIBERTY UTILITIES CPEC	01-9500	ELECTRICAL SERVICE		126.56
00015343	07/15/2019	RONALD M. MARTIN MARTIN SECURITY SYSTEMS	01-5810	ANNUAL ALARM FEE		600.00
00015344	07/15/2019	NORTHEASTERN JOINT POWERS AUTHORITY	76-9571	WORKER'S COMPENSATION		9,158.75
00015345	07/15/2019	PITNEY BOWES, INC.	01-5600	POSTAGE MACHINE LEASE	48.26	
			01-5899	POSTAGE MACHINE LEASE	144.79	193.05
00015346	07/15/2019	RAY MORGAN COMPANY	01-9500	COPIER MAINT.		5.61
00015347	07/15/2019	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES	98.48	
			01-9500	BANK SERVICE FEES	128.17	226.65
00015348	07/15/2019	SIERRA VALLEY HOME CENTER	01-9500	SHOP SUPPLIES		452.47
00015349	07/15/2019	TRI COUNTY SCHOOLS INSURANCE GROUP	01-3902	JUI 19 HEALTH INSURANCE	1,104.00	
			01-9535	JUI 19 HEALTH INSURANCE	2,159.00	
			76-9576	JUI 19 HEALTH INSURANCE	18,549.90	21,812.90
00015350	07/15/2019	VOYAGER	01-9500	FUEL		184.69
Total Number of Checks					18	90,220.70

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	15	59,566.75
11	ADULT EDUCATION	3	2,945.30
76	Payroll Clearing	2	27,708.65

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 07/01/2019 through 07/31/2019

Board Meeting Date AUGUST 13, 2019

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
		Total Number of Checks	18		90,220.70	
		Less Unpaid Sales Tax Liability			.00	
		Net (Check Amount)			90,220.70	

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

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on 08 / 13 / 2019, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, 2020.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Tom Jones

Name



Signature

Interim Superintendent

Title

530-993-0828

Fax Number

530-993-1660 EXT 110

Telephone Number

July 25, 2019

Date

PO Box 955 Loyalton, CA 96118

Mailing Address

tjones@spjUSD.org

EMail Address

► *This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency*

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit

Estimated Number Needed

CLAD/English Learner Authorization (applicant already holds teaching credential)

1

Bilingual Authorization (applicant already holds teaching credential)

List target language(s) for bilingual authorization:

Resource Specialist

1

Teacher Librarian Services

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	
Single Subject	
Special Education	1
TOTAL	1

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes No

If no, explain. Small rural single county school district; limited staff and resources to establish intern program

Does your agency participate in a Commission-approved college or university internship program? Yes No

If yes, how many interns do you expect to have this year? 1

If yes, list each college or university with which you participate in an internship program.

National University

If no, explain why you do not participate in an internship program.

CBEST WAIVERS FOR DAY TO DAY SUBSTITUTE TEACHERS

** Just as an informational note, there are NO substitutes on the substitute lists that have not passed the CBEST test. It is the practice of the District/County office to recruit only those individuals for substitute service that have a valid California credential or have passed the CBEST and qualified for the Emergency 30-Day Substitute permit for substitute teaching. The annual authorization by the Board to waive the CBEST requirement has been standard procedure to allow our agency, in an urgent situation, to recruit an adequate pool of substitute teachers. This is an option for us, but is certainly not our standard. Because of the rural geographic location, recruiting substitute teachers for Downieville School continues to be a challenge. We feel it is prudent for us to move through the Board approval process in the event we need to recruit substitute teachers in a short time frame. If you have any questions or concerns regarding this information, please email or call our office.

Thank You, Laraine

Speech and Language Aide

DEFINITION

Under the direction and supervision of the County Superintendent or designee, the job of Speech and Language Aide is for the purpose of providing a method of supporting and/or reinforcing therapy objectives including assisting the specialist in implementing therapy, evaluating students' progress, developing and providing therapy materials, and supporting the Specialist in maintaining student records and files.

EXAMPLES OF DUTIES

- Assists specialist in providing Speech/Language Services during therapy sessions.
- Implement effective therapy strategies under the supervision of the Speech/Language Specialist.
- Develop appropriate materials for Speech and Language objectives including communication boards, calendars, wallets, schedules, communication books, sign books.
- Maintain student records/file schedules, therapy notes.
- Assist other special education personnel as needed in speech and language development-related activities and implementation of Individual Education Plans.
- Performs other duties as assigned that supports the overall objective of the position

MINIMUM QUALIFICATIONS

- Prior job related experience with children, paid or volunteer.
- Training in speech and language-related assessments and knowledge of various speech, language, and hearing deficits.
- Understanding of and willingness to utilize and learn technological methods to supplement education.
- Correct English usage, grammar, spelling, punctuation and vocabulary.
- Knowledge of basic math.

ABILITY TO:

- Prepare and maintain accurate records.
- Understand and work with students with special needs
- Work independently, making judgements and decisions within scope of duties.
- Deal with people beyond receiving work and instruction.
- Maintain confidentiality of sensitive and privileged information.
- Operate a variety of office equipment, including a computer and assigned software.

PHYSICAL REQUIREMENTS

- Bending at waist, kneeling or crouching to assist students.
- Reaching and handling
- Talking and Hearing conversations
- Near/Far visual acuity/depth perception/accommodation/Field of vision

- Dexterity of hands and fingers to operate a computer keyboard.

EDUCATION AND EXPERIENCE

- Bachelor's Degree or Equivalent.
- Tuberculin and fingerprint clearance are required prior to employment.
- Valid Driver's License and verification of insurance coverage.

This job description is not intended to be an exhaustive list of all duties, knowledge or abilities associated with this classification but intended to accurately reflect the principal elements of the position.

Presented to Sierra County Board of Education by County Superintendent of Schools:
August 13, 2019

SIERRA COUNTY OFFICE OF EDUCATION
Classified Salary Schedule
Effective 7-1-2019

POSITION	A	B	C	D	E	F	G	H	I	J	K	L
					YR 5	YR 8	YR 11	YR 14	YR 17	YR 20	YR 25	YR 30
INSTRUCTIONAL AIDE	12.71	13.46	14.21	14.99	15.77	16.54	17.38	18.26	19.17	20.14	21.14	22.10
CUSTODIAN	14.81	15.70	16.56	17.46	18.33	19.23	20.22	21.23	22.28	23.39	24.57	25.69
WORKABILITY COORDINATOR	16.93	17.79	18.68	19.60	20.59	21.62	22.70	23.83	25.02	26.27	27.58	28.83
CAREER TECH	14.31	15.02	15.78	16.55	17.38	18.26	19.17	20.13	21.13	22.19	23.30	24.36
BEHAVIOR ATTENDANT	12.55	12.55	12.75	13.27	13.80	14.35	14.92	15.52	16.14	16.78	17.62	18.42
WORKABILITY AIDE	13.35	14.02	14.72	15.45	16.23	17.04	17.89	18.78	19.73	20.70	21.74	22.73
GARDEN TECHNICIAN	13.35	14.02	14.72	15.45	16.23	17.04	17.89	18.78	19.73	20.70	21.74	22.73
CLERK TYPIST	13.32	14.12	14.93	15.72	16.48	17.32	18.21	19.11	20.06	21.07	22.12	23.12
INSTRUCTIONAL AIDE (SH)	13.76	14.58	15.46	16.39	17.21	18.07	18.97	19.92	20.91	21.96	23.06	24.11
TRANSPORTATION AIDE	12.30	12.30	12.68	13.31	13.98	14.68	15.41	16.18	16.99	17.84	18.73	19.59
ACADEMIC ADVISOR/CAREER TECH	18.31	19.36	20.49	21.54	22.59	23.72	24.90	26.20	27.50	28.89	30.32	31.70
SPEECH/LANGUAGE AIDE	18.31	19.36	20.49	21.54	22.59	23.72	24.90	26.20	27.50	28.89	30.32	31.70

Approved May 9, 2017, SH Aide Added September 21, 2017
 Added Transportation Aide February 13, 2018
 Approved December 11, 2018 - Minimum Wage Increase Effective 1/1/2019
 Added Garden Technician March 12, 2018
 Academic Advisor/Career Tech Approved May 14, 2019
 Approved July 9, 2019 - + 2.5% effective 7/1/2019, Add Column L
Proposed August 13, 2019 Speech/Language Aide

Multi Year Projection

		2019/20 <i>Budget</i>			2020/21 <i>MYP</i>			2021/22 <i>MYP</i>		
		Unrestricted	Restricted	Combined	Unrestricted	Restricted	Combined	Unrestricted	Restricted	Combined
		A	B	C	D	E	F	G	H	I
Revenues										
LCFF Revenues	8010-8099	874,121	-	874,121	900,294	-	900,294	925,456	-	925,456
Federal Revenues	8100-8299	-	152,276	152,276	-	152,276	152,276	-	152,276	152,276
State Revenues	8300-8599	5,859	571,211	577,070	5,859	571,211	577,070	5,859	571,211	577,070
Local Revenues	8600-8799	316,793	4,500	321,293	316,793	4,500	321,293	316,793	4,500	321,293
Transfers In	8910-8979	53,056	-	53,056	53,056	-	53,056	53,056	-	53,056
Contributions	8980-8999	(267,143)	267,143	-	(288,136)	288,136	-	(307,997)	307,997	-
Total Revenues		982,686	995,130	1,977,816	987,866	1,016,123	2,003,989	993,167	1,035,984	2,029,151
Expenditures										
Certificated Salaries	1000-1999	292,154	310,436	602,590	299,458	318,197	617,655	306,945	326,152	633,097
Classified Salaries	2000-2999	295,735	180,859	476,594	310,083	185,076	495,159	321,603	195,067	516,670
Speech & Language Aide Addition	2000-2999	-	17,925	17,925	-	18,825	18,825	-	19,767	19,767
Benefits & Taxes	3000-3999	281,108	203,710	484,818	290,900	212,725	503,625	294,962	214,640	509,602
Speech & Language Aide Addition	3000-3999	-	5,830	5,830	-	6,480	6,480	-	7,180	7,180
Materials & Supplies	4000-4999	20,178	48,143	68,321	20,178	48,143	68,321	20,178	48,143	68,321
Operating Expenditures	5000-5999	381,204	243,745	624,949	381,204	243,745	624,949	381,204	243,745	624,949
Capital Outlay	6000-6599	35,000	-	35,000	35,000	-	35,000	35,000	-	35,000
Other Outgo	7xxx's	24,428	5,501	29,929	24,428	5,501	29,929	24,428	5,501	29,929
Other Outgo	7300-7399	(2,736)	2,736	-	(2,736)	2,736	-	(2,736)	2,736	-
Transfers Out	7600-7629	-	-	-	-	-	-	-	-	-
Total Expenditures		1,327,071	1,018,885	2,345,956	1,358,515	1,041,428	2,399,943	1,381,584	1,062,931	2,444,515
Rev less Exp		(344,385)	(23,755)	(368,140)	(370,649)	(25,305)	(395,954)	(388,417)	(26,947)	(415,364)
Change in Fund Bal		(344,385)	(23,755)	(368,140)	(370,649)	(25,305)	(395,954)	(388,417)	(26,947)	(415,364)
Beg Fund Bal		2,231,194	-	2,231,194	1,886,809	(23,755)	1,863,054	1,516,160	(49,060)	1,467,100
Adjustments		-	-	-	-	-	-	-	-	-
Adj Beg Fund Bal		2,231,194	-	2,231,194	1,886,809	(23,755)	1,863,054	1,516,160	(49,060)	1,467,100
End Fund Bal		1,886,809	(23,755)	1,863,054	1,516,160	(49,060)	1,467,100	1,127,743	(76,007)	1,051,736
Non Spendable		500	-	500	500	-	500	500	-	500
Restricted		-	-	-	-	-	-	-	-	-
Comitted										
OPEB		93,849	-	93,849	92,485	-	92,485	92,485	-	92,485
Assigned										
Deferred Maintenance		50,000	-	50,000	100,000	-	100,000	150,000	-	150,000
REU		232,000	-	232,000	235,000	-	235,000	235,000	-	235,000
Unassigned		1,510,460	(23,755)	1,486,705	1,280,660	-	1,231,600	892,243	-	816,236
Change in Fund Balance				(\$23,755)			(\$25,305)			(26,947)

CSBA POLICY GUIDE SHEET – August 2019

BP/AR 3551 - Food Service Operations/Cafeteria Fund

(BP/AR revised)

Policy updated to reflect **NEW FEDERAL REGULATION (84 Fed. Reg. 8247)** and updated California Department of Education (CDE) guidance giving districts with an average daily attendance of less than 2,500 greater flexibility in the hiring of food service directors. Policy also consolidates material on nondiscrimination toward students who have unpaid meal fees and those who participate in the free and reduced-price meal program. Regulation updated to reflect **NEW LAW (AB 3043, 2018)** which permits the use of cafeteria funds to (1) pay for the purchase of a mobile food facility and (2) supplement the cost of providing universal breakfast in districts that do not provide universal breakfast under a federal program, provided they submit the required certification to CDE. Regulation also updates section on U.S. Department of Agriculture (USDA) donated foods to reflect current requirements for the safe storage and control of the foods. In both policy and regulation, CDE and USDA guidance renumbered when superseded by newer guidance.

AR 4117.7/4317.7 - Employment Status Reports

(AR revised)

Regulation updated pursuant to Education Code 44940 to include a violation or attempted violation of Penal Code 187 (murder) in the definition of a "mandatory leave of absence offense."

BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions

(BP added)

New policy addresses the avoidance of unlawful and inappropriate interactions between staff and students, an employee's responsibility to report another employee's violation of this policy, disciplinary consequences for staff, referral to law enforcement when appropriate, the requirement to post the code of conduct on school and/or district websites, and examples of conduct that are inappropriate or can create the appearance of impropriety.

AR 6145.2 - Athletic Competition

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1109, 2018)** which requires districts to annually provide student athletes and their parents/guardians an opioid fact sheet produced by the Centers for Disease Control and Prevention.

BP/AR 6174 Education for English Learners

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2735, 2018)** which prohibits districts from denying English learners the opportunity to enroll in core curricular courses or courses needed for middle school promotion, high school graduation, or college admission. Policy also adds requirement to annually designate a district and site coordinator to oversee administration of the English Language Proficiency Assessments for California (ELPAC). Regulation reflects **NEW STATE REGULATION (Register 2019, No. 1)** which establishes a timeframe for notifying parents/guardians of their child's ELPAC test results when the results are received from the test contractor after the last day of instruction for the school year.

BP 6179 - Supplemental Instruction

(BP revised)

Policy updated to reflect current law requiring the provision of remedial instruction to students who are recommended for retention or are identified as being at risk for retention. Policy also deletes reference to federal Title I program improvement which is no longer operational, and clarifies that schools identified for comprehensive or targeted school improvement may, but are not required to, offer supplemental instruction.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Business and Noninstructional Operations

BP 3551

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: The following policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are mandated to adopt policy addressing delinquent meal charges; see the section "Meal Sales" below and the accompanying administrative regulation.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to construct buildings. Revenues also may not be used to purchase land or buildings, unless otherwise approved by the USDA. Authorized expenditures are specified in Education Code 38101 and defined in the California Department of Education's (CDE) California School Accounting Manual.

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

Note: The following paragraph is for use by districts that participate in the National School Lunch and/or Breakfast Program and may be adapted for use by other districts. Pursuant to 42 USC 1776 and 7 CFR 210.30, as amended by 84 Fed. Reg. 8247, USDA has established minimum professional standards for food service directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. See CDE's Nutrition Services Division Management Bulletin 10-2019 for information about state hiring standards.

The Superintendent or designee shall ensure that ~~all~~ food service ~~personnel~~ director(s) possess the ~~required~~ qualifications ~~and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law~~ required by 7 CFR 210.30 and California Department of Education (CDE) standards.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see CDE's web site.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE).CDE. (42 USC 1776)

Meal Sales

Note: The following section may be revised by districts that have one or more high-poverty schools that operate under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school. For further information, see BP 3553 - Free and Reduced Price Meals.

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Note: Pursuant to Education Code 38082, the Governing Board may adopt a resolution to authorize serving meals to additional persons other than those listed above. CDE's Nutrition Services Division Management Bulletin 00-111 states that the Board's policy or resolution must specify the means for serving those persons and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals. The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias or other costs determined by Board resolution, which are paid from district funds other than the cafeteria fund, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. For information about setting prices for full-price meals, see 42 USC 1760 and CDE's Nutrition Services Division Management Bulletin SNP 12-2018.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. See the accompanying administrative regulation for additional language fulfilling this mandate.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and

parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

Note: Education Code 49557.5 requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students. For further information, see CDE's Nutrition Services Division Management Bulletin SNP-03-2017.

In addition, Education Code 49557 requires the Board to approve a plan that ensures students eligible to receive free or reduced-price meals are not treated differently from other students, including, but not limited to, assurance that eligible students will not be overtly identified by the use of special tokens, tickets, or any other means. For additional language addressing this requirement, see BP/AR 3553 - Free and Reduced Price Meals.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified, by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557, 49557.5)

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

(cf. 0415 - Equity)

Cafeteria Fund

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Note: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200, Appendix VII and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

Note: The following section is optional. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 – Contracts)

(cf. 3600 - Consultants)

Procurement of Foods, Equipment and Supplies

Note: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. USDA Memorandum SP 38-2017 clarifies that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to the Memorandum, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

Limited exceptions to the Buy American requirement are described in USDA Memorandum SP 38-2017. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Note: Pursuant to Public Contract Code 20111, districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

Note: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. Each district is reviewed at least once every three years. See CDE's nutrition services web site for a current list of documents that may be requested for the review. During the Administrative Review, CDE will review district policies on charge accounts, alternate meals, unpaid meal charges, and guidelines for continually notifying parents/guardians of these policies.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:

EDUCATION CODE

38080-38086.1 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49550-49564.5 Meals for needy students, especially:

49550.5 Universal breakfast

49554 Contract for services

~~49550-49564.5 Meals for needy students~~

49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.~~318~~317-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019

Paid Lunch Equity Requirement and Calculation Tool, NSD Management Bulletin, SNP-12-2018, May 2018

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, and Additional Guidance on the Handling of Unpaid Meal Charges, NSD Management Bulletin, SNP-03-2018, February 2018

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017

Clarification for the Use of Alternate Meals in the National School Lunch Procuring and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, Monitoring of Food Service Management Contracts, NSD Management Bulletin, USDA-SNP-0613-2015, May 2015

Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, NSD Management Bulletin, USDA-SNP-16-2012, October 2012

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, May 2017

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: June 14, 2011
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***Reviewed and okayed by Accounting Technician, Adrienne Garza*

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Business and Noninstructional Operations

AR 3551

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: Districts that provide breakfast and/or lunch free of charge to all students (i.e., "universal meal service") at one or more schools pursuant to 42 USC 1759a or Education Code 49550.5 should revise the following administrative regulation accordingly. Also see BP/AR 3553 - Free and Reduced Price Meals.

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Nutrition Services Division Management Bulletin SNP-03-2018 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day.

In addition to providing meals at no cost to students who are eligible, the district may offer meals at no cost to students who qualify for reduced-price benefits. Districts that choose to eliminate reduced-price meal charges may still claim the meals at the reduced-price rate, but the cost difference between the reduced-price meal and the no-cost meal must be covered by the district's cafeteria fund. For more information, see the U.S. Department of Agriculture's (USDA) Memorandum SP 17-2014.

The following section includes recommendations of the CDE's Nutrition Services Division Management Bulletin and the USDA's "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

Note: CDE's program monitoring process (the Administrative Review) requires districts to continually notify parents/guardians of district policies regarding meal payments, including charge accounts and alternate meals if applicable. Districts should, at a minimum, inform parents/guardians at the beginning of the school year and on an ongoing basis of district practices for students who have lost or forgotten their meal payment. In addition, districts should set up a system for notifying parents/guardians when a student's meal payment account has a low or negative balance.

According to USDA's Memorandum SP-23-2017, the district's policy on delinquent meal payments must be communicated in writing to all households at the start of each school year and to households transferring to the school during the school year. CDE's Nutrition Services Division Management Bulletin SNP-03-2017 states that, at a minimum, districts should use the methods specified below to communicate the district's meal policy.

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to

prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Note: The following optional paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; (2) maintains a list of students who have reported lost and stolen tickets and the number of occurrences for each student; (3) issues at least one advance warning to the student or the student's parent/guardian prior to refusing to issue a replacement ticket; and (4) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, ~~shall not require a student to pay a bill that appears to be the result of identity theft,~~ and shall open a new account ~~with a new account number~~ as appropriate for a student ~~whose account appears to be the subject of identity theft~~ have been misused.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Note: Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, districts must ensure that students who are approved for reduced-price meals receive all meals that are paid for. Any excess payments must be either carried over or refunded to the parents/guardians. The following paragraph extends this provision to also apply to students paying for full-price meals.

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

Unpaid and Delinquent Meal Charges

Note: The following section reflects requirements applicable to districts participating in the National School Lunch and/or Breakfast Program and may also be used by districts that do not participate in the program. Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. Such policy may be consistent for all students or vary by grade level. The following section may be revised to reflect district practice. At its discretion, the district may choose to also notify parents/guardians before the student's meal account reaches a negative balance. The following paragraph may be modified to reflect district practice.

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

Note: The following optional paragraph reflects CDE guidance in its Nutrition Services Division Management Bulletin SNP-03-2017.

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

Note: CDE's Nutrition Services Division Management Bulletin SNP-03-2017 requires that the district's unpaid meal policy conform with the cost principles set forth in 2 CFR 200.426, as provided below.

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

Note: Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, delinquent debt must be reclassified as bad debt and written off as an operating loss if it is not paid by the end of the fiscal year in which the debt was incurred, unless the district enters into a repayment plan with the parent/guardian prior to the end of the fiscal year or the debt occurs fewer than 90 days prior to the end of the fiscal year. Federal funds are not available to reimburse the district for bad debt. Districts are required to maintain related records in accordance with 7 CFR 210.9 and 210.15.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

Reimbursement Claims

Note: To streamline administration of state and federal meal programs, CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

(cf. 3510 - Green School Operations)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

Note: Education Code 38093 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board of Education shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, ~~38091~~38093)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

Note: Education Code 38101, as amended by AB 3043 (Ch. 593, Statutes of 2018), permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

Note: The following optional paragraph is for use by districts that choose to provide universal breakfast (free of charge to all students) at one or more schools. Pursuant to Education Code 49550.5, as added by AB 3043, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE. The requirement to submit certification does not apply to any district that provides universal breakfast pursuant to a federally authorized provision (e.g., Provision 1, 2, or 3 or the Community Eligibility Provision of the National School Lunch Act).

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)
(*cf. 3110 - Transfer of Funds*)

Note: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII and USDA guidance SP 60-2016, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Note: Pursuant to 7 CFR 210.14 and 220.7, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. CDE's Nutrition Services Division Management Bulletin NSD-SNP-07-2013 provides that the spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (27 CFR 210.14, 220.147)

U.S. Department of Agriculture Foods

Note: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, USDA must ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

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

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Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Certificated Personnel

AR 4117.7~4317.7

EMPLOYMENT STATUS REPORTS

Note: Education Code 44030.5 and 44242.5 and 5 CCR 80303 require the Superintendent to make a report to the Commission on Teacher Credentialing (CTC) when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. Upon notification by the district or other specified agencies, CTC may conduct a review and take an adverse action against the certificated employee, including, but not limited to, suspension or revocation of the credential.

Pursuant to 5 CCR 80303, the report must be made regardless of any proposed or actual agreement, settlement, or stipulation between the district and the employee not to make such a report. The report must also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement, or other failure to contest the truth of the allegations.

Pursuant to Education Code 44030.5 and 5 CCR 80303, as amended, the Superintendent's failure to make the report of the change in employment status or to notify the affected employee of the contents of 5 CCR 80303 would be considered unprofessional conduct and, if it is determined that the Superintendent refused or willfully neglected to make the report, the Superintendent may be found guilty of a misdemeanor and fined.

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected
(*cf. 4116 - Probationary/Permanent Status*)
(*cf. 4117.6 - Decision Not to Rehire*)
(*cf. 4118 - Dismissal/Suspension/Disciplinary Action*)
2. Resigns
(*cf. 4117.2/4217.2/4317.2 - Resignation*)
3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action
4. Retires
5. Is otherwise terminated by a decision not to employ or reemploy
(*cf. 4119.21/4219.21/4319.21 - Professional Standards*)
(*cf. 5141.4 - Child Abuse Prevention and Reporting*)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(*cf. 4115 - Evaluation/Supervision*)

(*cf. 4117.3 - Personnel Reduction*)

Note: Education Code 44030.5 requires the Superintendent to submit the report to CTC within 30 days of the change in employment status. 5 CCR 80303 requires CTC to acknowledge receipt of the report within 30 days of receipt.

5 CCR 80303 describes the contents that must be included in the report. The report should be made using a notification form available on CTC's web site and attaching relevant documents, evidence, and materials related to the district's investigation of the misconduct.

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

Additional Reports of Employee Misconduct

Note: Notification forms for the reports specified in items #1-2 below are available on CTC's web site.

The Superintendent or designee shall submit a report to the CTC, using a form provided by the CTC and attaching all relevant documents, whenever:

Note: Pursuant to Education Code 44940, the district must notify CTC when an employee has been charged in court with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or a violation or attempted violation of Penal Code 187 (murder). Also see AR 4118 - Dismissal/Suspension/Disciplinary Action. Upon receiving notification from the district regarding any such offense, CTC will automatically suspend the employee's credential. Education Code 44423.5 also requires CTC to suspend an individual's credential upon receiving notice that another state has taken final action to revoke the individual's credential.

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940-or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to the CTC. In addition, the Superintendent or designee shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

Note: According to CTC's notification form, submission of this notification to CTC does not relieve the district of the obligation to also submit an employment status report of the same misconduct when the district takes disciplinary action resulting in a change in employment status.

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board of Education. (Education Code 44242.5, 44420)

Note: Education Code 44242.5 gives CTC authority to review any of the violations described in items #1-3 below upon receiving notice from a district. Since the law does not require districts to report these violations to CTC, the district should revise the following list to identify the types of violations that it will report and then ensure consistent implementation.

As appropriate, the Superintendent or designee also shall notify the CTC of any of the following:

Note: Pursuant to Education Code 44242.5, CTC will not consider action on the basis of alleged sexual misconduct (item #1 below) unless there is evidence in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct.

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)
(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

The notice to the CTC shall contain all of the following information: (5 CCR 80304)
 - a. Name of the employee alleged to have engaged in the sexual misconduct
 - b. Name, age, and address of each victim of the alleged sexual misconduct
 - c. A summary of all information known to the district regarding the alleged sexual misconduct
 - d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.7 - Sexual Harassment)
2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)
(cf. 5125 - Student Records)
3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense, definitions

44011 Controlled substance offense, definitions

44030.5 Employment status reports

44225 Powers and duties of ~~the~~ CTC

44242.5 Reports and review of alleged misconduct

44420-44440 Adverse actions by CTC against credential holder

44932 *Causes for dismissal*
44940 *Sex offenses and narcotic offenses; compulsory leave of absence*
44940.5 *Compulsory leave of absence*
44955-44958 *Reduction in force*

PENAL CODE

187 Murder

CODE OF REGULATIONS, TITLE 5

80303 *Reports of change in employment status, alleged misconduct*

80304 *Notice of sexual misconduct*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013-2019

WEB SITES

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

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

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007
revised: June 14, 2011
revised: June 18, 2014
revised: August 13, 2019

Sierra County/Sierra-Plumas Joint USD

Board Policy

All Personnel

BP 4119.24~4219.24~4319.24

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS

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

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

(cf. 5145.7 - Sexual Harassment)

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Note: Pursuant to the Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3), persons identified as "mandated reporters," including, but not limited to, school administrators, certificated staff, and classified staff, are required to report known or suspected child abuse, including sexual assault and sexual exploitation. For required procedures for filing a report, see BP/AR 5141.4 - Child Abuse Prevention and Reporting.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Note: Education Code 44050 requires districts maintaining an employee code of conduct that addresses employee interactions with students to post, in a publicly accessible manner on each school's web site or on the district web site if a school does not maintain one, the section(s) of the code of conduct dealing with employee-student interactions. At the beginning of each school year, the district must also provide parents/guardians with written copies of the sections of the employee code of conduct that address employee interactions with students. The applicable sections of the code of conduct may appear in a variety of district documents, including, but not limited to, this Board policy, sections of BP/E 4119.21/4219.21/4319.21 - Professional Standards, and employee handbooks.

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

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

Note: The following section lists examples of inappropriate conduct and conduct that can create the appearance of impropriety. For additional examples of behaviors that may constitute sexual harassment of students, see BP/AR 5145.7 - Sexual Harassment.

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference

EDUCATION CODE

44030.5 Employment status reports

44050 Employee code of conduct; employee interactions with students

44242.5 Reports and review of alleged misconduct

44940 Sex offenses and narcotic offenses; compulsory leave of absence

48980 Parental notifications

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: August 13, 2019

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Instruction
AR 6145.2

ATHLETIC COMPETITION

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: The following section reflects pertinent provisions of state and federal law regarding nondiscrimination (Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Note: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with the student's gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and Guidelines for Gender Identity Participation contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with ~~his/her the student's~~ gender identity ~~and for which he/she is otherwise eligible to participate~~, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)

(cf. 5125 - Student Records)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. CIF's A Guide to Equity in Athletics suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. Any district with questions about equivalent athletic opportunities for its students should consult legal counsel.

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX.

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Note: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. A student survey is one indicator that may be used. A letter issued by OCR in April 2010 provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances

5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms, practice facilities, and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

(cf. 1113 - District and School Web Sites)

1. The total enrollment of the school, classified by gender
2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

(cf. 3580 - District Records)

Concussions and Head Injuries

Note: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's web site, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

Note: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. Free online courses are available through CIF's web site. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032) (cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Note: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's web site includes an Acute Concussion Evaluation form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See CIF's web site for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, ~~he/she~~ the student shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until ~~he/she~~ the student is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. -If the health care provider determines that the ~~athletestudent~~ the student sustained a concussion or a head injury, the ~~athletestudent~~ the student shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Note: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

Heat Illness

Note: Pursuant to Education Code 35179.1, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's web site, that fulfills these requirements.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

Note: The following optional paragraph reflects recommendations in CSBA's and CIF's joint publication Preventing Catastrophic Heat Illness, and may be expanded to include additional district strategies.

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

Note: Education Code 33479.3 requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on the California Department of Education's (CDE) web site. In addition, Education Code 33479.2 encourages districts to post on their web sites the information provided on CDE's web site pertaining to sudden cardiac arrest.

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and ~~his/her~~ parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

Note: Education Code 33479.6 requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. Free online courses are available through CIF's web site.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

Note: Education Code 33479.5 and CIF bylaws provide for a student's removal from participation in an athletic activity if the student passes out or faints. As defined by Education Code 33479.1, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if the student exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove from an athletic activity a student who exhibits any symptom of sudden cardiac arrest at any time.

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following ~~his/her~~ participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, ~~he/she/the student~~ may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian

can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until ~~he/she~~the student is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

Note: Pursuant to Education Code 35179.6, a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event. See BP/AR 5141 - Health Care and Emergencies for requirements related to employee notifications and the proper use and maintenance of AEDs.

Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

(cf. 5141 - Health Care and Emergencies)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional ~~Parental~~ Notifications

Note: The following optional section lists notices that the district may send to students participating in interscholastic athletics and their parents/guardians. This section should be revised to reflect district practice.

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing ~~his/her~~the students and their parents/guardians with ~~information on the signs and symptoms of concussions and sudden cardiac arrest~~ as the notices described above, send a notice to the ~~student's~~students and their parents/guardians which:

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 221.61 requires districts to post specified information on their web sites related to Title IX. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. **Optional** item #2 below provides that this information will also be provided in writing to the parents/guardians of student athletes.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance in skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when the coach intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare
(*cf. 3530 - Risk Management/Insurance*)

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5
(*cf. 5143 - Insurance*)
5. Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions
(*cf. 3541.1 - Transportation for School-Related Trips*)

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion for engaging, or attempting to engage, in hazing.

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship
(*cf. 5144 - Discipline*)
(*cf. 5144.1 - Suspension and Expulsion/Due Process*)
7. Includes a copy of the local CIF league rules

Note: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and the student's parent/guardian must sign the statement described below. Also see BP/AR 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and ~~his/her~~the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, ~~or~~and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency
(*cf. 5131.63 - Steroids*)

Note: Pursuant to Education Code 49476, as added by SB 1109 (Ch. 693, Statutes of 2018), the district must annually provide to student athletes and their parents/guardians CDC's opioid fact sheet for patients. The CDC's fact sheet, Prescription Opioids: What You Need To Know, is available on its web site.

9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
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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 CDE's 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 maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

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. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

(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: The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8, as added by AB 2735 (Ch. 304, Statutes of 2018), prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant students. Pursuant to Education Code 60811.8, this law does not require districts to create supplemental courses in languages other than English.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner
(cf. 0415 - Equity)
(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)

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. 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/guardian 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. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

~~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. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.~~

Staff Qualifications and Training

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 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. 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: 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 the state English Language Proficiency Assessments for California (ELPAC). The ELPAC includes 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, identification of English learners, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency ~~and needs in the areas of listening, speaking, reading, and writing in English~~ using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until ~~he/she~~ the student 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 (CAASPP) 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 during test administration.

CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.

In addition, 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 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 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

Note: The following paragraph is optional. 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

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. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. 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. 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 Language Instruction*)
2. 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.

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~~ The Superintendent or designee 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, 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, 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.

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians 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 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, 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
7. 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 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~~Accountability: numerically *significant student subgroups*
 52060-52077 *Local control and accountability plan*
 52160-52178 *Bilingual Bicultural Act*
 56305 *CDE manual on English learners with disabilities*
 60603 *Definition, recently arrived English learner*
 60640 *California Assessment of Student Performance and Progress*
~~60810~~60811-60812 *Assessment of English language development*
 62002.5 *Continuation of advisory committee after program sunsets*
CODE OF REGULATIONS, TITLE 5
 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 DECISIONSValeria O. v. Davis, (2002) 307 F.3d 1036California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698ATTORNEY GENERAL OPINIONS83 Ops. Cal. Atty. Gen. 40 (2000)

Management Resources:

CSBA PUBLICATIONSEnglish Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia Practitioners' Guide for Educating English Learners with Disabilities, 2019California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014Common Core State Standards for Mathematics, rev. 2013English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012THE EDUCATION TRUST- WEST PUBLICATIONSUnlocking Learning II: Math as a Lever for English Learner Equity, March 2018Unlocking Learning: Science as a Lever for English Learner Equity, January 2017U.S. DEPARTMENT OF EDUCATION PUBLICATIONSAccountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016English 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, 2016Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015WEB SITESCSBA: <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.ncele.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~~at home from early childhood and English has been ~~his/her~~the 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 English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR ~~11511~~11518.5)

Each year after a student is identified as an English learner and until ~~he/she~~the student is redesignated as English proficient, the summative assessment of the 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)

Note: 5 CCR 11518.35 specifies "universal tools" that may be used with all students in ELPAC administration, and "designated supports" and "accommodations" that may be used with students with disabilities when specified in their individualized education program or Section 504 plan.

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. 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).

Pursuant to Education Code 56305, CDE has developed a manual, California Practitioners' Guide for Educating English Learners with Disabilities, which provides guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.35.

(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 ELPAC within 30 calendar days following receipt of the results from the test contractor- or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR ~~11511.5~~11518.15)

(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~~the student'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

Note: Education Code 313.2 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
6. 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
7. 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, 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.

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 CDE's web site. The district may expand the following list to reflect any additional criteria it has established.

The procedures 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 ELPAC

Note: Pursuant to Education Code 313.3, as added by AB 1808 (Ch. 32, Statutes of 2018), CDE is required to develop, by June 30, 2020, a standardized teacher observation protocol for use in evaluating a student's English language proficiency, as required by item #2 below, as well as professional development tools to train teachers on the use of the protocol.

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~~involvement, including:

~~— The Superintendent or designee shall provide the parent/guardian with notice and a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and of his/her the parent/guardian's opportunity to participate~~

b. Encouragement of parent/guardian participation in the processdistrict's reclassification procedure, including seeking parent/guardian opinion and shall encourage his/her involvement in consultation during the reclassification 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. CDE correspondence provides examples of appropriate measures and is available on CDE's 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 is needed.

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 of Education on at least the following tasks: (5 CCR 11308)

1. The development of a plan for 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
 Regulation approved: April 10, 2007
 revised: February 12, 2013
 revised: June 17, 2015
 revised: May 9, 2017
 revised: October 9, 2018
 revised: August 13, 2019

Sierra County/Sierra-Plumas Joint USD

Board Policy

Instruction

BP 6179

SUPPLEMENTAL INSTRUCTION

Note: The following policy is **mandated** pursuant to Education Code 48070.5 and should be revised to reflect the grade levels offered by the district.

Pursuant to Education Code 52060-52077, the Governing Board must annually adopt a local control and accountability plan which includes goals and actions aligned with state priorities, including student achievement; see BP/AR 0460 - Local Control and Accountability Plan. The provision of high-quality supplemental instruction may be one strategy to improve student achievement outcomes for underperforming students.

In addition, the provision of supplemental instruction may be a strategy to assist low-performing schools identified by the California Department of Education for comprehensive or targeted support and improvement pursuant to 20 USC 6311. Such schools are required to develop and implement a school plan to improve student outcomes.

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The county/district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

(cf. 0460 - Local Control and Accountability Plan); (cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention); (cf. 6011 - Academic Standards);

(cf. 6146.1 - High School Graduation Requirements); (cf. 6146.5 - Elementary/Middle School Graduation Requirements); (cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs); (cf. 6111 - School Calendar); (cf. 6112 - School Day)

(cf. 6142.7 - Physical Education and Activity); (cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

When determined to be necessary by the principal or designee and when written parent/guardian consent is obtained for the student's participation, a student may be required to participate in supplemental instruction outside the regular school day. ~~In such cases, written parent/guardian consent shall be obtained for the student's participation.~~

Note: Education Code 48070.5 **mandates** that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention. See BP/AR 5123 - Promotion/Acceleration/Retention for information regarding the criteria for identifying students for retention.

Supplemental instruction shall be offered to students \who are recommended for retention, or are identified as being at risk for retention based on state assessment results, grades, or other indicators, at their current grade level. (Education Code 48070.5)

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6162.51 - State Academic Achievement Tests)

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

In addition, supplemental instruction may be offered to:

1. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6142.94 - History-Social Science Instruction)

Note: The following optional item may be used by districts maintaining high schools.

2. High school students who need support to successfully complete courses required for graduation

Legal Reference:

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

~~37252-37254.1 *Supplemental instruction, summer school*~~

42238.01-42238.075 *Local control funding formula*

46100 *Length of school day*

48070-48070.56 *Promotion and retention*

48200 *Compulsory education*

48985 *Translation of notices*

51210-51212 *Courses of study, elementary schools*

51220-51228 *Courses of study, secondary schools*

52060-52077 *Local control and accountability plan*

60603 *Definitions, core curriculum areas*

60640-60649 *California Assessment of Student Performance and Progress*

~~60850-60859 *High school exit examination, especially:*~~

~~60851.5 *Suspension of high school exit examination*~~

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

UNITED STATES CODE, TITLE 20

6311 *State plan*

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

WEB SITES

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

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

U.S. Department of Education: <http://www.ed.gov>

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: April 18, 2014
 revised: February 9, 2016
 revised: September 13, 2016
 revised: August 13, 2019

ELECTIONS CODE - ELEC

DIVISION 0.5. PRELIMINARY PROVISIONS [1 - 362] (*Division 0.5 heading added by Stats. 1996, Ch. 1143, Sec. 17.*)

CHAPTER 1 General Provisions [1. - 20] (*Chapter 1 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

20. (a) A person shall not be considered a candidate for, and is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

(b) For purposes of this section, “conviction of a felony” includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

(Added by Stats. 2012, Ch. 160, Sec. 1. (AB 2410) Effective January 1, 2013.)

Sierra County/Sierra-Plumas Joint USD

Remuneration, Reimbursement And Other Benefits—Board Bylaw 9250

Remuneration

Each member of the Board of Education may receive the monthly compensation as provided for in law.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Ed. Code 35120)

Reimbursement of Expenses

When authorized in advance by the Board, members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement. Education Code 35044) (cf. 9240 - Board Development); (cf. 3350 - Travel Expenses)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Health and Welfare Benefits for Current Board Members

Board members may participate in the health and welfare benefits program provided for district/county employees.

Health and welfare benefits for Board members shall be no greater than that received by district/county's **Classified service staff** with the most generous schedule of benefits. (Government Code 53208.5) (cf. 4154/4254/4354 - Health and Welfare Benefits)

The district/county shall pay the cost of all premiums required for Board members electing to participate in the district/county health and welfare benefits program to the same extent that the district pays premiums for district/county **Classified service staff** in accordance with Government Code 53208.5.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children to the child's 26th birthday and dependent children regardless of age who are physically or mentally incapacitated.

Medicare Eligible Current Board Members

At no time shall the district/county's cost for a current Board member's Medicare and/or Medicare supplement policy, including dependent coverage, exceed the amount the district/county contributes for eligible Classified service employees.

In lieu of enrollment in the district/county's group sponsored health insurance plan, a current Board member eligible for Medicare health insurance may receive reimbursement from the district/county for the cost of his/her Medicare Plan(s) (Part A and/or Part B and/or Part D).

When a Board member is enrolled in a Medicare policy and receiving cost reimbursement from the District/County, the same courtesy may be extended to a dependent who is Medicare eligible.

A Board member who elects a Medicare supplement policy in lieu of enrollment in the district/county's group sponsored health insurance plan may receive premium reimbursement from the district/county. A Board member may be reimbursed for a family member's Medicare supplement policy if the dependent was covered under the district/county plan (tier rate structure) immediately prior to un-enrollment from the group plan.

The district/county employer may reimburse the Board member for both Medicare and Medicare supplemental policies simultaneously. The Board member may also be reimbursed for a dependent who is eligible for Medicare and Medicare supplemental policies.

In the event an active Board member chooses to end benefits in the district/county's group sponsored health insurance plan for a Medicare and/or Medicare supplement policy, the member may re-enroll in the group sponsored plan during the annual open enrollment period.

Health and Welfare Benefits for Former Board Members (Retiree)

Retiring trustees of the Board of Education, who are covered by the district/county group health plan at the time of their retirement from the Board after serving at least one (1) full term of four (4) consecutive years, shall have the option to continue the benefit program at their own expense. (Government Code 53201) At their own expense, continued coverage through the district/county shall also be made available to Board trustee's spouse and dependents upon the Board trustee's death. Retirees who choose to retain health insurance benefits shall be placed on the tiered rate structure. A Retiree may select medical coverage only or all offered benefits (dental and vision). Retirees may not select dental and/or vision coverage without medical coverage. Retirees are not eligible for life insurance coverage. Eligible retirees and covered spouses must secure Medicare Part A and Part B for the group plan Medicare rate. Retirees who discontinue coverage cannot re-enroll in any District plan.

Legal Reference:

EDUCATION CODE

33050-33053 General waiver authority
 33362-33363 Reimbursement of expenses for attendance at workshops
 35012 Board members; number, election and term
 35044 Payment of traveling expenses of representatives of board
 35120 Compensation for services as member of governing board
 35172 Promotional activities
 44038 Cash deposits for transportation purchased on credit

FAMILY CODE

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

GOVERNMENT CODE

8314 Use of public resources
 20322 Elective officers; election to become member
 20420-20445 Membership in Public Employees' Retirement System; definition of safety employees
 53200-53209 Group insurance
 54952.3 Simultaneous or serial meetings; announcement of compensation

HEALTH AND SAFETY CODE

1373 Health services plan, coverage for dependent children

INSURANCE CODE

10277-10278 Group and individual health insurance, coverage for dependent children

UNITED STATES CODE, TITLE 26

403 Tax-sheltered annuities

UNITED STATES CODE, TITLE 42

18011 Right to maintain existing health coverage

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 Tax-sheltered annuities, definition of employee

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

91 Ops.Cal.Atty.Gen. 37 (2008)

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

WEB SITES

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

Institute for Local Government: <http://www.ca-ilg.org>

Internal Revenue Service: <http://www.irs.gov>

Public Employees' Retirement System: <http://www.calpers.ca.gov>

SIERRA COUNTY OFFICE OF EDUCATION

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Bylaw adopted: April 10, 2007

revised: May 14, 2013

revised: July 9, 2013

revised: October 8, 2013

revised: August 8, 2017

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Appointment And Conditions Of Employment

AR 4212

Personnel

Upon recommendation of the Superintendent, the Board of Education shall approve the appointment of all **classified employees**. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the **classified staff shall, at a minimum:**

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)
(cf. 4212.5 - Criminal Record Check)
3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)
(cf. 3515.5 - Sex Offender Notification)
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
8. File the oath or affirmation of allegiance required by Government Code 3100-3109
(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
9. Submit to drug and alcohol testing as required by Board policy
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 4151/4251/4351 - Employee Compensation)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Regulation SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
approved: April 10, 2007 Sierraville, California