

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

July 14, 2020
5:30pm CLOSED Session
6:00pm Regular Session

In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Sierra County Board of Education will hold meetings via Zoom Videoconferencing.

Zoom link: <https://us02web.zoom.us/j/85280748499>
Phone dial-in: 669-900-9128 Meeting ID: 852 8074 8499

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 Office of Education, Room 3, 109 Beckwith Road, Loyalton, CA, 96118, and posted with the online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5).

A. CALL TO ORDER

Please be advised that this meeting will be recorded.

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PUBLIC COMMENT FOR CLOSED SESSION

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

E. CLOSED SESSION

The Board of Trustees and Superintendent James Berardi and Business Manager Nona Griesert will move into Closed Session to discuss the following item(s):

1. Government Code 54957

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

F. RETURN TO OPEN SESSION and ADJOURN FOR BREAK

G. RECONVENE

H. FLAG SALUTE

I. REPORT OUT FROM CLOSED SESSION

J. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. Recommendation for Reduction and Elimination of Particular Kinds of Service for 2020-2021, Classified Employees, Resolution No. 20-011C**
- b. Acceptance of resignation for Daniel Williams, Custodian for Adult Education, .15 FTE, 6 hours/week, Effective June 30, 2020**
- c. Cutting Custodian position for Adult Education down to 3 hours/week
- d. Approval of Assignment of Niecea Freeman, Downieville Teacher, 1.0 FTE
- e. SARB Annual Report**

2. Business Report

- a. Account Object Summary-Balance from 07/01/2019 to 06/30/2020**

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. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter. (Education Code [35145.5](#); Bylaw 9322; Government Code [54954.3](#))

K. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held June 23, 2020**
2. Approval of Board Report-Checks Dated 06/01/2020 through 06/30/2020**
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending 06/30/2020. 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.
 - a. 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 06/30/2020.

L. ACTION ITEMS

1. New Business
 - a. Adoption of Resolution 20-010C, Fund Transfers for 2020-2021 Fiscal Year**
ROLL CALL VOTE
 - b. Approval of Extra Duty Assignments and Stipends for 2020-2021**

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- c. 0430—Comprehensive Local Plan for Special Education
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- d. 1312.3—Uniform Complaint Procedures
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- e. 1340—Access to District Records
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- f. 4119.42/4219.42/4319.42—Exposure Control Plan for Bloodborne Pathogens
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
 3. Exhibit, *revisions***
- g. 4119.43/4219.43/4319.43—Universal Precautions
 1. Board Policy, *revisions***
 2. Administrative Regulation, *revisions***
- h. 4151/4251/4351—Employee Compensation
 1. Board Policy, *revisions***

M. ADVANCED PLANNING

1. Next Regular Board Meeting will be held on August 11, 2020 beginning with Closed Session as needed at 5:00pm and the Regular Board Meeting at 6:00pm.
*****Location to be determined*****
2. Suggested Agenda Items

N. ADJOURN



James Berardi, Superintendent
Secretary to the County Board of Education

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

SIERRA COUNTY OFFICE OF EDUCATION

Resolution No. 20-011C


Reduction in Classified Staff Due To Reduction or Elimination of Particular Kinds of Service

WHEREAS, Section 45117 of the California Education Code require action by the County Superintendent if the services of classified staff are to be reduced or eliminated in order to permit the layoff of classified employees.

NOW, THEREFORE, BE IT RESOLVED by the County Superintendent that:

1. The services set forth in Exhibit "A" shall be reduced or eliminated at the start of the 2020-2021 school year due to budgetary shortfalls, and unknown delivery of instruction due to COVID-19 restrictions.
2. The County Superintendent has considered anticipated employee resignation, retirements, temporary releases, etc. Nevertheless, it is still necessary to terminate classified positions as referenced in Exhibit "A".
3. The Superintendent, or designee, is authorized and directed to send notice(s) of recommendation of non-reemployment pursuant to Sections 45115, 45117, 45298 and 45308 of the California Education Code to any employee whose services shall be terminated by virtue of this Resolution.

Signed and approved by me after its passage.



James Berardi
County Superintendent

Dated: 6/30/20

EXHIBIT "A"
TO RESOLUTION NO. 20-011C
SERVICES TO BE REDUCED
OR ELIMINATED
AT START OF 2020-2021 SCHOOL YEAR

| Service | Grade Level | Full Time Equivalent |
|---------------------------|--------------------|-----------------------------|
| Instructional Aides | K-12 | 3.5 FTE |
| Severely Handicapped Aide | 9-12 | 2.0 FTE |
| | | |
| TOTAL FTE | | 5.5 FTE |

June 23, 2020

To whom it may concern, I ~~am~~ ^{Daniel Williams} am writing this letter to inform you of my resignation as part time maintenance / custodial, at Sierra County School of Adults, effective June 30th, 2020.

Daniel
Williams

June 23rd, 2020

| COUNTY/DISTRICT SCHOOL ATTENDANCE REVIEW BOARD (SARB) | | | | | | |
|---|--------------------|----------------|---------------------------------------|-------------|--------------------------|------------------|
| Annual Summary for 2019-20 | | | | | | |
| Sierra County Office of Education ~ Sierra-Plumas Joint Unified School District | | | | | | |
| PO Box 955, Loyalton CA 96118 | | | | | | |
| James Berardi, Chairperson | | | | | | |
| | | | | | | |
| CASES REFERRED TO SARB FOR HEARINGS 2019-20 | | | | | | |
| <i>**As of 03/17/2020 -- Last meeting was held 02/20/2020**</i> | | | | | | |
| STUDENT ID NUMBER | GRADE LEVEL | GENDE R | AREA OF CONCERN | DATE | Parent Attendance | Action |
| 11208 | 5 | M | Habitual Truancy | 2/20/2020 | No | Set up Directive |
| 11431 | 3 | F | Habitual Truancy | 3/19/2020 | Meeting cancelled | n/a |
| 11430 | 4 | F | Habitual Truancy | 3/19/2020 | Meeting cancelled | n/a |
| 10882 | 6 | F | Habitual Truancy/Irregular Attendance | 3/19/2020 | Meeting cancelled | n/a |
| 10731 | 8 | M | Habitual Truancy | 3/19/2020 | Meeting cancelled | n/a |
| 10585 | 11 | M | Habitual Truancy | 3/19/2020 | Meeting cancelled | n/a |
| | | | | | | |
| Downieville School: 7 students on Watch List | | | | | | |
| | | | | | | |
| Loyalton Elementary School: 7 students on Watch List | | | | | | |
| | | | | | | |
| Loyalton High School/Sierra Pass: 9 students on Watch List | | | | | | |

| Balances through June | | | | | | Fiscal Year 2019/20 |
|---------------------------|--------------------------------|-------------------|-------------------|------------|-------------------|---------------------|
| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
| Fund 01 - Gen Fund | | | | | | |
| 1100 | Teachers Salaries | 288,697.00 | 309,589.00 | | 311,721.82 | 2,132.82- |
| 1115 | Certificated Extra Duty | 250.00 | 470.00 | | 70.00 | 400.00 |
| 1120 | Certificated Substitutes | 12,325.00 | 11,268.00 | | 6,510.00 | 4,758.00 |
| 1200 | Certificated Pupil Support Ser | 30,561.00 | 30,561.00 | | 30,560.76 | .24 |
| 1300 | Certificated Supervisor Admini | 260,757.00 | 193,207.00 | | 209,666.98 | 16,459.98- |
| 1310 | Teacher in Charge | 10,000.00 | 10,000.00 | | 1,000.00 | 9,000.00 |
| | Total for Object 1000 | 602,590.00 | 555,095.00 | .00 | 559,529.56 | 4,434.56- |
| 2100 | Instructional Aides' Salaries | 196,300.00 | 160,723.00 | | 133,807.22 | 26,915.78 |
| 2115 | Classified Extra Duty | 1,000.00 | 1,000.00 | | 566.51 | 433.49 |
| 2120 | Classified Substitutes | 7,755.00 | 7,570.00 | | 2,775.51 | 4,794.49 |
| 2200 | Classified Support Salaries | 28,846.00 | 37,342.00 | | 14,977.73 | 22,364.27 |
| 2215 | Classified Support Extra Duty | 1,000.00 | 1,000.00 | | 591.89 | 408.11 |
| 2220 | Classified Substitute Salaries | 1,000.00 | 1,000.00 | | | 1,000.00 |
| 2300 | Classified Supervisors' Admini | 104,378.00 | 114,719.00 | | 104,286.00 | 10,433.00 |
| 2400 | Clerical Technical Office Staf | 127,065.00 | 128,933.00 | | 126,210.58 | 2,722.42 |
| 2420 | Clerical Substiture | 250.00 | 250.00 | | | 250.00 |
| 2900 | Other Classified Salaries | 9,000.00 | 15,960.00 | | 13,096.25 | 2,863.75 |
| | Total for Object 2000 | 476,594.00 | 468,497.00 | .00 | 396,311.69 | 72,185.31 |
| 3101 | STRS Certificated Positions | 122,401.00 | 162,923.00 | | 91,241.60 | 71,681.40 |
| 3102 | STRS Classified Positions | 803.00 | 23,823.00 | | 1,977.05 | 21,845.95 |
| 3201 | PERS Certificated Positions | | | | 244.54 | 244.54- |
| 3202 | PERS Classified Positions | 89,597.00 | 85,561.00 | | 72,258.76 | 13,302.24 |
| 3301 | OASDI Certificated Positions | 932.00 | 7.00 | | 107.88 | 100.88- |
| 3302 | OASDI Classified Positions | 27,727.00 | 28,263.00 | | 23,572.34 | 4,690.66 |
| 3311 | Medicare Certificated Position | 8,344.00 | 7,704.00 | | 7,779.86 | 75.86- |
| 3312 | Medicare Classified Positions | 6,814.00 | 6,682.00 | | 5,686.75 | 995.25 |
| 3401 | Health & Welfare Benefits Cert | 108,577.00 | 86,135.00 | | 97,213.46 | 11,078.46- |
| 3402 | Health & Welfare Benefits Clas | 84,444.00 | 107,536.00 | | 106,027.22 | 1,508.78 |
| 3501 | SUI Certificated | 300.00 | 276.00 | | 281.12 | 5.12- |
| 3502 | SUI Classified | 239.00 | 234.00 | | 195.26 | 38.74 |
| 3601 | Workers' Compensation Certific | 19,262.00 | 20,479.00 | | 18,763.80 | 1,715.20 |
| 3602 | Workers' Compensation Classifi | 15,378.00 | 16,420.00 | | 13,722.06 | 2,697.94 |
| 3902 | Golden Handshake-Class | | 13,250.00 | | 6,624.00 | 6,626.00 |
| | Total for Object 3000 | 484,818.00 | 559,293.00 | .00 | 445,695.70 | 113,597.30 |
| 4100 | Approved Textbooks Core Curric | 460.00 | 2,273.00 | | | 2,273.00 |

| Balances through June | | | | | | Fiscal Year 2019/20 |
|---------------------------------------|---|---------------------|---------------------|------------------|---------------------|---------------------|
| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
| Fund 01 - Gen Fund (continued) | | | | | | |
| 4200 | Library and Reference Material | | 1,000.00 | | | 1,000.00 |
| 4300 | Materials and Supplies | 42,512.00 | 62,399.00 | 494.20 | 18,996.40 | 42,908.40 |
| 4320 | Custodial Grounds Supplies | 500.00 | 676.00 | 36.21 | 626.70 | 13.09 |
| 4330 | Office Supplies | 1,000.00 | 1,000.00 | | 1,030.09 | 30.09- |
| 4350 | Vehicle Upkeep | 6,000.00 | 5,500.00 | 133.26 | 3,310.66 | 2,056.08 |
| 4399 | Mat & Sup Undesignated Bal | | 277.00 | | | 277.00 |
| 4400 | Noncapitalized Equipment | 17,849.00 | 19,186.00 | | 7,091.29 | 12,094.71 |
| | Total for Object 4000 | 68,321.00 | 92,311.00 | 663.67 | 31,055.14 | 60,592.19 |
| 5100 | Subagreements for Services | 43,000.00 | 43,000.00 | | | 43,000.00 |
| 5200 | Travel and Conference | 47,304.00 | 35,583.00 | 423.13 | 12,245.46 | 22,914.41 |
| 5300 | Dues and Membership | 20,438.00 | 16,338.00 | | 16,919.58 | 581.58- |
| 5400 | Insurance | 11,000.00 | 11,000.00 | | 10,297.92 | 702.08 |
| 5500 | Operation Housekeeping Service | 11,500.00 | 14,500.00 | | 8,434.16 | 6,065.84 |
| 5600 | Rentals, Leases, Repairs, Nonc | 3,100.00 | 1,850.00 | | 1,739.43 | 110.57 |
| 5801 | Legal Services | 30,500.00 | 18,000.00 | 1,097.50 | 1,600.00 | 15,302.50 |
| 5803 | Legal Publications | 500.00 | | | | .00 |
| 5805 | Personnel Expense | 842.00 | 242.00 | | | 242.00 |
| 5806 | Negotiations | 1,000.00 | | | | .00 |
| 5808 | Other Services & Fees | 1,500.00 | 1,500.00 | | 1,618.86 | 118.86- |
| 5810 | Contracted Services | 443,765.00 | 499,377.00 | 83,668.33 | 326,107.72 | 89,600.95 |
| 5899 | SPJUSD to Reimburse | | | 45.47 | 1,881.90 | 1,927.37- |
| 5900 | Communications | 10,500.00 | 10,500.00 | | 10,154.97 | 345.03 |
| | Total for Object 5000 | 624,949.00 | 651,890.00 | 85,234.43 | 391,000.00 | 175,655.57 |
| 6170 | LAND IMPROVEMENTS | | | | 19,800.00 | 19,800.00- |
| 6200 | Building and Improvement of Bu | | 26,516.00 | | 25,516.00 | 1,000.00 |
| 6400 | Equipment | 20,000.00 | 97,098.00 | 12,845.84 | 38,467.52 | 45,784.64 |
| 6500 | Equipment Replacement | 15,000.00 | 15,000.00 | | | 15,000.00 |
| | Total for Object 6000 | 35,000.00 | 138,614.00 | 12,845.84 | 83,783.52 | 41,984.64 |
| 7110 | County Tuition Inter Dist Agree | 5,501.00 | 25,000.00 | | 19,958.25 | 5,041.75 |
| 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 | 49,428.00 | .00 | 19,958.25 | 29,469.75 |
| | Total for Fund 01 and Expense accounts | 2,322,201.00 | 2,515,128.00 | 98,743.94 | 1,927,333.86 | 489,050.20 |

Fund 11 - ADULT ED

| Balances through June | | | | | | Fiscal Year 2019/20 |
|---------------------------|--------------------------------|------------------|-------------------|-----------------|-------------------|---------------------|
| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
| Fund 11 - ADULT ED | | | | | | |
| 1100 | Teachers Salaries | | 35,000.00 | | 12,264.77 | 22,735.23 |
| 1300 | Certificated Supervisor Admini | 89,732.00 | 89,732.00 | | 91,244.97 | 1,512.97- |
| | Total for Object 1000 | 89,732.00 | 124,732.00 | .00 | 103,509.74 | 21,222.26 |
| 2100 | Instructional Aides' Salaries | 5,684.00 | 6,000.00 | | 75.56 | 5,924.44 |
| 2200 | Classified Support Salaries | | 17,052.00 | | 1,683.30 | 15,368.70 |
| | Total for Object 2000 | 5,684.00 | 23,052.00 | .00 | 1,758.86 | 21,293.14 |
| 3101 | STRS Certificated Positions | 15,344.00 | 26,529.00 | | 15,751.13 | 10,777.87 |
| 3202 | PERS Classified Positions | 1,179.00 | 4,556.00 | | 14.90 | 4,541.10 |
| 3301 | OASDI Certificated Positions | | | | 706.66 | 706.66- |
| 3302 | OASDI Classified Positions | 352.00 | 1,429.00 | | 104.35 | 1,324.65 |
| 3311 | Medicare Certificated Position | 1,301.00 | 1,809.00 | | 1,500.95 | 308.05 |
| 3312 | Medicare Classified Positions | 82.00 | 334.00 | | 25.50 | 308.50 |
| 3401 | Health & Welfare Benefits Cert | 12,767.00 | 12,767.00 | | 12,766.80 | .20 |
| 3501 | SUI Certificated | 45.00 | 63.00 | | 51.78 | 11.22 |
| 3502 | SUI Classified | 3.00 | 12.00 | | .89 | 11.11 |
| 3601 | Workers' Compensation Certific | 3,004.00 | 4,176.00 | | 3,609.81 | 566.19 |
| 3602 | Workers' Compensation Classifi | 190.00 | 772.00 | | 62.24 | 709.76 |
| | Total for Object 3000 | 34,267.00 | 52,447.00 | .00 | 34,595.01 | 17,851.99 |
| 4100 | Approved Textbooks Core Curric | 10,000.00 | 7,500.00 | | 3,142.99 | 4,357.01 |
| 4300 | Materials and Supplies | 5,000.00 | 4,700.00 | | 5,193.44 | 493.44- |
| 4320 | Custodial Grounds Supplies | | 5,000.00 | | 1,449.09 | 3,550.91 |
| 4330 | Office Supplies | | 300.00 | | | 300.00 |
| 4350 | Vehicle Upkeep | | | 1,184.22 | 768.05 | 1,952.27- |
| 4400 | Noncapitalized Equipment | 2,132.00 | 16,000.00 | | 26,827.69 | 10,827.69- |
| | Total for Object 4000 | 17,132.00 | 33,500.00 | 1,184.22 | 37,381.26 | 5,065.48- |
| 5200 | Travel and Conference | 15,000.00 | 10,000.00 | 104.25 | 4,600.85 | 5,294.90 |
| 5203 | MILEAGE | 1,000.00 | 5,000.00 | | 1,619.94 | 3,380.06 |
| 5300 | Dues and Membership | 250.00 | 1,000.00 | | 1,870.00 | 870.00- |
| 5500 | Operation Housekeeping Service | 2,500.00 | 13,000.00 | | 1,214.22 | 11,785.78 |
| 5600 | Rentals, Leases, Repairs, Nonc | | 2,500.00 | | 2,231.00 | 269.00 |
| 5801 | Legal Services | | 1,000.00 | | | 1,000.00 |
| 5805 | Personnel Expense | | | | 32.00 | 32.00- |
| 5810 | Contracted Services | 40,000.00 | 35,925.00 | 299.80 | 30,212.89 | 5,412.31 |
| 5900 | Communications | | | | 1,249.75 | 1,249.75- |
| | Total for Object 5000 | 58,750.00 | 68,425.00 | 404.05 | 43,030.65 | 24,990.30 |

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2020, Period = 12, 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)

ESCAPE ONLINE

| Balances through June | | | | | | Fiscal Year 2019/20 |
|---------------------------------------|--|---------------------|---------------------|-------------------|---------------------|---------------------|
| Object | Description | Adopted Budget | Revised Budget | Encumbered | Expenditure | Account Balance |
| Fund 11 - ADULT ED (continued) | | | | | | |
| 6200 | Building and Improvement of Bu | | 100,000.00 | 9,230.50 | 87,531.86 | 3,237.64 |
| 6400 | Equipment | 22,500.00 | 59,322.00 | | 37,450.55 | 21,871.45 |
| | Total for Object 6000 | 22,500.00 | 159,322.00 | 9,230.50 | 124,982.41 | 25,109.09 |
| 7619 | Other Authorized Interfund Tra | 935.00 | 1,870.00 | | 853.83 | 1,016.17 |
| | Total for Fund 11 and Expense accounts | 229,000.00 | 463,348.00 | 10,818.77 | 346,111.76 | 106,417.47 |
| Fund 16 - FOREST RES | | | | | | |
| 7211 | Transfers of Pass-through Rev | | 330,000.00 | | 93,958.37 | 236,041.63 |
| 7619 | Other Authorized Interfund Tra | 52,121.00 | 58,250.00 | | 16,580.90 | 41,669.10 |
| | Total for Fund 16, Expense accounts and Object 7000 | 52,121.00 | 388,250.00 | .00 | 110,539.27 | 277,710.73 |
| | Total for Org 001 - Sierra County Office of Education | 2,603,322.00 | 3,366,726.00 | 109,562.71 | 2,383,984.89 | 873,178.40 |

MINUTES FOR THE REGULAR MEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
June 23, 2020

In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Sierra County Board of Education held this meeting via Zoom Videoconferencing.

6:00pm Regular Session

A. CALL TO ORDER

President PATTY HALL called the meeting to order at 6:05pm.

B. ROLL CALL

PRESENT: Patty Hall, President
Nicole Stannard, Vice President
Allen Wright, Clerk
Mike Moore, Member
Jenny Gant, Member

ABSENT: None

C. APPROVAL OF AGENDA

MOORE/WRIGHT
5/0

D. FLAG SALUTE

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report

- a. Agreement with the County of Sierra for the 2020-2021 Fiscal Year for Friday Night Live services, Agreement 2020-002C
BERARDI: Renewal of annual contract to continue services.
- b. Presence Learning for online Special Education support for the 2020-2021 School Year, Agreement 2020-003C
BERARDI: Online speech services.
- c. Acceptance of resignation for Brittany Steward, Instructional Aide, Downieville School, .58 FTE (3.5/day, 17.5/week), effective June 12, 2020
- d. Use of TUPE funds
BERARDI: Anti-Drug and Anti-Smoking funds – built up money that needs to be spent so we don't have to send back to the state. We are purchasing new digital signs for each school site and District Office. Also looking at utilizing funds for a part-time counselor in the future as well, particularly thinking about the after-effects of the current pandemic.

2. Business Report

- a. Account Object Summary-Balance from 07/01/2019 to 05/31/2020

3. Staff Reports

ADULT ED—JACKSON: *As of July 1 we are a nationally recognized and funded Adult Ed program. Had a 4th graduate recently with High School Diploma resulting in employment in Herlong. Go-Teach program is helping local Daycare and Preschool staff. Purchased training called Master Teaching program – program to help district teachers/staff with continued education. Google*

Classroom training on August 3-4 – in-person training to get staff trained on virtual/blended format of teaching.

SELPA—BETHKE: Interviewed candidates for Speech Assistants today. Working on filling Occupational Therapist position as well.

4. Board Member Reports

None

5. Public Comment

None

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held May 26, 2020

2. Approval of Board Report-Checks Dated 05/01/2020 through 05/31/2020

GANT/MOORE

5/0

G. ACTION ITEMS

1. New Business

PUBLIC HEARING – SELPA

a. Public Hearing *opened at 6:22pm* to receive public comment on the 2020-2021 Sierra County SELPA Annual Service and Budget Plan (item b). *Closed at 6:24pm with no public comment.*

***Brief overview given by Heidi Bethke, SELPA Director*

b. Approval of the Sierra County SELPA Annual Service and Budget Plan

MOORE/WRIGHT

5/0

c. Adoption of the 2020-2021 Budget and the Criteria & Standards Report

The proposed budget will be available for public inspection at the Sierra County Office of Education, 109 Beckwith Road, Room 3, Loyalton, California, three days prior to the board meeting between the hours of 8:00 a.m. and 4:30 p.m.

MOORE motioned to approve with the caveat that everything in here will change due to State budget changes as they come in. Second by GANT.

GRIESERT: The budget presented here is what we are looking at with current information available from the State. We can anticipate a number of changes in the coming weeks and months. Regardless of the effects of the current pandemic we still have a deficit spending pattern that we need to be aware of and change as everyone knows in the coming years.

Secure Rural Schools – additional funding approved for 20-21 which is accounted for in the budget. Haven't received it yet for 19-20, and we don't know when we will actually see the money because of deferrals expected.

BERARDI: \$250K each year for 2 years.

5/0

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

d. 0470—COVID-19 Mitigation Plan

1. Board Policy, *NEW*

GANT motioned to table this to next meeting. Second by MOORE.

5/0

e. 3551—Food Service Operations/Cafeteria Fund

1. Board Policy, *revisions*

2. Administrative Regulation, *revisions*

MOORE/WRIGHT

5/0

- f. 4112.2—Certification
 - 1. Board Policy, *revisions*
GANT/WRIGHT
5/0
- g. 4112.9~4212.9~4312.9—Employee Notifications
 - 1. Exhibit, *revisions*
MOORE/STANNARD
5/0
- h. 5141.52—Suicide Prevention
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *revisions*
GANT/MOORE
5/0
- i. 5144.1—Suspension and Expulsion/Due Process
 - 1. Board Policy, *revisions*
 - 2. Administrative Regulation, *revisions*
GANT/WRIGHT
GANT amended motion to remove On-Campus Suspension on page 3-4 in BP, AR approve all changes as presented. Second by MOORE.
5/0
- j. 6172.1—Concurrent Enrollment in College Classes
 - 1. Board Policy, *NEW*
 - 2. Administrative Regulation, *NEW*
MOORE/STANNARD
5/0

H. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on July 14, 2020 beginning with Closed Session as needed at 5:00pm and the Regular Board Meeting at 6:00pm.
*****Location to be determined*****
- 2. Suggested Agenda Items
None

- I. ADJOURN at 6:54pm
MOORE/GANT
5/0

Allen Wright, Clerk

James Berardi, Superintendent
 Secretary to the County Board of Education

Checks Dated 06/01/2020 through 06/30/2020

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|--|-------------|----------------------------------|-----------------|--------------|
| 00015669 | 06/10/2020 | CIT | 01-5900 | PHONE SYSTEM/MAINTENANCE | | 773.08 |
| 00015670 | 06/10/2020 | CDE CASHIER'S OFFICE | 01-5810 | RETURN UNSPENT FUNDS | | 12,948.86 |
| 00015671 | 06/10/2020 | CRM GROUP | 01-6170 | PAVING PROJECT | | 19,800.00 |
| 00015672 | 06/10/2020 | DELL MARKETING L.P. C/O DELL U SA L.P. | 11-4400 | COMPUTER/CHROMEBOOKS | 5,624.69 | |
| | | | | ZOOM AGREEMENT W/SCOE | 762.03 | 6,386.72 |
| 00015673 | 06/10/2020 | ADRIENNE GARZA | 11-4400 | ZOOM AGREEMENT W/SCOE | | 971.24 |
| 00015674 | 06/10/2020 | ANNA GOODWIN | 01-5810 | NURSE SERVICES | | 175.00 |
| 00015675 | 06/10/2020 | LIBERTY UTILITIES CPEC | 01-5500 | ELECTRICAL SERVICE | 72.76 | |
| | | | 11-5500 | ELECTRICAL SERVICE | 83.48 | 156.24 |
| 00015676 | 06/10/2020 | MARY LOWE | 01-5810 | COUNSELING SERVICES | | 167.20 |
| 00015677 | 06/10/2020 | MIKE MOORE | 01-5200 | PER DIEM | | 28.75 |
| 00015678 | 06/10/2020 | MOUNTAIN MESSENGER | 11-4300 | ADS | | 64.60 |
| 00015679 | 06/10/2020 | NORTHEASTERN JOINT POWERS AUTHORITY | 01-3602 | ADDITIONAL BASED ON PAYROLL | .03- | |
| | | | 76-9571 | ADDITIONAL BASED ON PAYROLL | 962.96 | 962.93 |
| 00015680 | 06/10/2020 | PUBLIC EMPLOYEES' RETIREMENT SYSTEM | 01-5810 | SSA 218 FEE | | 500.00 |
| 00015681 | 06/10/2020 | SIERRA COUNTY OFFICE OF EDUCATION | 01-5808 | BANK SERVICE FEES | | 30.00 |
| 00015682 | 06/10/2020 | TRI COUNTY SCHOOLS INSURANCE GROUP | 01-9535 | JUNE 20 HEALTH INSURANCE | 2,159.00 | |
| | | | 76-9576 | JUNE 20 HEALTH INSURANCE | 17,318.90 | 19,477.90 |
| 00015683 | 06/10/2020 | VOYAGER | 01-5899 | FUEL EXPENSE | 33.72 | |
| | | | 11-5200 | FUEL EXPENSE | 28.36 | 62.08 |
| 00015684 | 06/10/2020 | ALLEN WRIGHT | 01-5200 | PER DIEM | | 21.56 |
| 00015685 | 06/30/2020 | ACCURATE AUDIOVIDEO | 11-4400 | ZOOM AGREEMENT W/SCOE | | 2,062.34 |
| 00015686 | 06/30/2020 | AT&T | 11-5900 | PHONE | | 76.94 |
| 00015687 | 06/30/2020 | E3 DIAGNOSTICS ACCOUNTS RECEIVABLE | 01-5810 | ANNUAL CALIBRATION OF AUDIOMETER | | 160.00 |
| 00015688 | 06/30/2020 | GOLDEN RULE SIGNS | 01-6400 | TUPE SIGNS | | 38,467.52 |
| 00015689 | 06/30/2020 | ANNA GOODWIN | 01-5810 | NURSE SERVICES | | 507.50 |
| 00015690 | 06/30/2020 | MIKE MOORE | 01-5200 | PER DIEM | | 28.75 |
| 00015691 | 06/30/2020 | ADRIANA PETRO | 01-5200 | MILEAGE | | 77.05 |
| 00015692 | 06/30/2020 | PRESENCELEARNING, INC. | 01-5810 | PRESENCE LEARNING | | 6,589.80 |
| 00015693 | 06/30/2020 | RAY MORGAN COMPANY | 11-5600 | COPIER/MAINTENANCE | .01 | |
| | | | 11-6400 | COPIER/MAINTENANCE | .10 | .11 |
| 00015694 | 06/30/2020 | SCHOOL SERV OF CALIFORNIA INC. | 01-5200 | WORKSHOP REGISTRATIONS | 55.00 | |
| | | | 01-5899 | WORKSHOP REGISTRATIONS | 165.00 | 220.00 |
| 00015695 | 06/30/2020 | SEMINGSON ARCHITECTURE & ENGINEERING, INC. | 11-6200 | ADA ACCESS/DRAWINGS | | 769.50 |
| 00015696 | 06/30/2020 | SIERRA COUNTY OFFICE OF EDUCATION | 01-5808 | BANK SERVICE FEES | | 191.30 |
| 00015697 | 06/30/2020 | U.S. BANK | 01-4300 | CLASSROOM SUPPLEIS | 199.33 | |
| | | | 01-5200 | SUPT. TRAVEL EXPENSES | 400.00- | |

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

ESCAPE ONLINE

Checks Dated 06/01/2020 through 06/30/2020

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|-------------------------------|------------|---------------------|-------------|---------------------|-----------------|-------------------|
| 00015697 | 06/30/2020 | U.S. BANK | 01-5899 | FEDEX/SURVEY/DOMAIN | 424.89 | |
| | | | 11-4300 | PPE SUPPLIES | 144.94 | |
| | | | 11-5810 | DOMAIN RENEWAL | 19.10 | 388.26 |
| 00015698 | 06/30/2020 | VOYAGER | 01-4350 | FUEL EXPENSE | | 37.30 |
| 00015699 | 06/30/2020 | ALLEN WRIGHT | 01-5200 | PER DIEM | | 7.19 |
| Total Number of Checks | | | | | 31 | 112,109.72 |

Fund Summary

| Fund | Description | Check Count | Expensed Amount |
|---------------------------------|----------------------------|-------------|-------------------|
| 01 | County School Service Fund | 24 | 83,220.53 |
| 11 | ADULT EDUCATION | 10 | 10,607.33 |
| 76 | Payroll Clearing | 2 | 18,281.86 |
| Total Number of Checks | | 31 | 112,109.72 |
| Less Unpaid Sales Tax Liability | | | .00 |
| Net (Check Amount) | | | 112,109.72 |

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

ESCAPE ONLINE

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

RESOLUTION 20-010C

FUND TRANSFERS for 2020-2021 FISCAL YEAR

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

1. Make transfers between expenditure classification and/or transfers between funds of the budget deemed necessary to permit the payment of obligations of the District incurred during the 2020-2021 fiscal year.
2. Appropriate unbudgeted income, if necessary, in accordance with Education Code 42602.
3. Make necessary inter-budget transfers and revisions.

The foregoing Resolution was passed and adopted by the Board of Trustees of the SIERRA COUNTY OFFICE OF EDUCATION on the 14th day of July 2020, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Allen Wright, Clerk of the Governing Board

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

2020-2021 Extra Duty Assignments – Certificated

CONTINGENT ON COVID-19 RESTRICTIONS

| Position | Stipend | LES | LHS | DVL |
|--|---------|------------------|-----------------|-------------------|
| WASC LEAD | | | | |
| Loyalton Mid-term Year | \$1,500 | TBD | | |
| Downieville Maintenance Year | \$1,500 | | | Niecea Freeman |
| Site Technology Coordinator | | | | |
| Loyalton Elementary | \$1,500 | Joanna Haug | | |
| Loyalton Junior/Senior High 7-12 | | | B. Jaquez | |
| Downieville K-12 | | | | K.Bosworth |
| Teacher-In-Charge per semester | | | | |
| Loyalton Elementary | \$1,000 | Laurie Petterson | | |
| Loyalton High 7-12 | | | A. Corcoran | |
| Lead Teacher Downieville School per month | | | | |
| | \$1,000 | | | Niecea Freeman |
| Response to Intervention | | | | |
| Loyalton High 7-12 | \$1,500 | | Camille Alfred | |
| Downieville K-12 | \$1,000 | | | TBD |
| Loyalton Elementary | \$1,500 | E.Folchi | | |
| Friday Night Live Program Advisor | | | | |
| Friday Night Live (9-12), Club Live (7-8), Friday Night Live Kids (K-6) | | | | |
| Loyalton Elementary, Loyalton High (7-8) (9-12) | \$2,000 | E. Folchi (K-6) | C. Alfred (LHS) | |
| Downieville Elem, Downieville High (7-8) (9-12) | \$1,000 | | | TBD |

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

**2020-2021 Extra Duty Assignments - Athletic Coaches
CONTINGENT ON COVID-19 RESTRICTIONS**

| 2020-2021 EXTRA DUTY ASSIGNMENTS Athletics | | | | | |
|---|-------------|--------------------|-------------------|--|-----------------------------|
| Position | Stipend | Personnel | Personnel | Personnel | Personnel |
| | | <i>Downieville</i> | <i>LHS</i> | <i>LMS 7th/8th</i> | <i>LES K-6th</i> |
| <u>Coaching Assignments</u> | | | | | |
| Athletic Director - Loyalton High/\$2,500 per season x3/\$7,500 cap | \$7,500 cap | | | Stacey Hood | |
| Athletic Director – Downieville/\$500 per team or \$2,000 cap | \$2,000 cap | Steve Filo | | | |
| Athletic Director - Loyalton Gr. 6,7,8 | \$1,000 | Steve Filo | | | |
| Varsity Football LHS | \$2,000 | | | A. Corcoran | |
| Assistant Varsity Football LHS | \$1,500 | | | F. Emsoff | |
| Varsity Basketball - Boys | \$2,000 | TBD | | Andy Genasci | |
| J.V. Basketball - Boys | \$2,000 | | | TBD | |
| Varsity Basketball - Girls | \$2,000 | Steve Filo | | | |
| J.V Basketball – Girls | \$2,000 | | | | |
| 7 th Grade Basketball – Boys | \$ 500 | | | | |
| 8 th Grade Basketball – Boys | \$ 500 | | | | |
| 7 th Grade Basketball - Girls | \$ 500 | | | | |
| 8 th Grade Basketball – Girls | \$ 500 | | | | |
| 7 th /8 th Gr COED Basketball | \$1,500 | | | | |
| Boys Baseball | \$2,000 | | | | |
| Girls Softball | \$2,000 | | | | |
| Varsity Volleyball - Girls | \$2,000 | | | Tom Barefoot | |
| JV Volleyball Girls | \$1,500 | | | Cali Griffin | |
| Track | \$2,000 | | | Jason Adams | |
| Tennis | \$1,500 | J. Smith | | | |
| Cheerleading Advisor-Season | \$2,000 | | | | |
| Physical Fitness Coordinator District-wide | \$ 500 | | ← District wide → | | |
| Cross Country Coach | \$ 500 | | | | |
| Golf Coach | \$1,500 | | | Joel Armstrong | |
| Soccer | \$2,000 | | | Stephanie Shelby | |

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

**2020-2021 Extra Duty Assignments - Athletic Coaches
CONTINGENT ON COVID-19 RESTRICTIONS**

Presented to the Governing Board: July 14, 2020; Doc: Personnel/2020-2021 Extra Duty Assignment Personnel_Athletics_July 2020

CSBA POLICY GUIDE SHEET – July 14, 2020

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Board Policy 0430 - Comprehensive Local Plan for Special Education

Policy updated to reflect the requirement that the Special Education Local Plan Area (SELPA) submit its local plan to the county office of education and/or Superintendent of Public Instruction and the requirement, beginning July 1, 2020, to review the plan every three years. Policy also clarifies the different types of SELPA governance structures and adds an option for arrangements in which the district joins with other districts and the county office of education to form a SELPA. Policy deletes material related to the referral and eligibility of students for special education, which is addressed in AR 6164.4 - Identification and Evaluation of Individuals for Special Education. Policy adds requirement to adopt a procedure for the ongoing review of programs and a mechanism for correcting any identified problem.

Administrative Regulation 0430 - Comprehensive Local Plan for Special Education

Regulation updated to reflect the new template for the SELPA plan developed by the California Department of Education (CDE). Section on "Definitions" revised to delete definitions for terms which are not used in this policy and regulation. Section on "Elements of the Plan" expanded to include further details regarding required components. Regulation also reflects **NEW LAW (SB 75, 2019)** which requires the SELPA plan to include an annual assurances support plan, beginning July 1, 2021 based on a CDE template developed by July 1, 2020. Regulation adds a requirement that each school post a notice of the public hearing that will be held by the SELPA to adopt the plan, and adds a new section on "Availability of the Plan" which includes a requirement to post the SELPA plan on the district's web site and make it available in the district office.

Board Policy 1312.3 - Uniform Complaint Procedures

Policy updated to add medical condition as a characteristic that is protected from discrimination, reflect **NEW LAW (SB 75, 2019)** which extends the use of uniform complaint procedures (UCP) to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and add an item indicating the use of the UCP for complaints regarding health and safety in a license-exempt California State Preschool Program (CSPP) consistent with CDE's Federal Program Monitoring Instrument.

Administrative Regulation 1312.3 - Uniform Complaint Procedures

Regulation updated to reflect **NEW LAW (SB 75, 2019)** which extends the use of UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and to add a section reflecting requirements for complaints alleging noncompliance with health and safety standards for CSPP programs, formerly in AR 1312.4 - Williams Uniform Complaint Procedures.

Board Policy 1340 - Access to District Records

Policy updated to reflect **NEW LAW (AB 1819, 2019)** which allows members of the public to use their own equipment on district premises, free of charge, to photograph, copy, or reproduce a disclosable district record, provided that the equipment does not make physical contact with the record.

Administrative Regulation 1340 - Access to District Records

Regulation updates the list of confidential public records to include the prohibition against releasing an employee's personal email address, upon request from the employee. Regulation also reflects **NEW LAW (AB 1819, 2019)** which allows members of the public to use their own equipment, free of charge, to photograph, copy, or reproduce a disclosable district record on district premises, provided that the means of copying or reproducing the record does not require the equipment to make physical contact with the record, does not damage the record, and does not result in unauthorized access to the district's computer systems or secured networks.

Board Policy 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens

Policy updated to add the requirement that the district's exposure control plan for bloodborne pathogens be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7. Legal cites added for training and hepatitis B vaccination requirements, and material deleted regarding the exemption of designated first aid providers from the pre-exposure hepatitis B vaccination, which is repeated in the AR. Paragraph added to include the district's responsibility to implement follow-up procedures in the event of an exposure incident.

Administrative Regulation 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens

Regulation updated to add federal legal cites where applicable, add definition of personal protective equipment, and delete requirement to communicate hazards to employees through labels and signs, which is not applicable to school districts. Section on "Preventive Measures" expanded to include the provision of personal protective equipment, observance of universal precautions, and compliance with state regulations for needleless systems, needle devices, and non-needle sharps. Regulation also adds more detail regarding the exemption of certain first aid providers from the pre-exposure hepatitis B vaccine and adds required components of staff training.

Exhibit 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens

Exhibit updated to clarify which employees are required to sign a statement when they decline to accept the hepatitis B vaccination offered by the district.

Board Policy 4119.43/4219.43/4319.43 - Universal Precautions

Policy updated to include material formerly in the AR on the provision of information to employees regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B and appropriate methods to prevent exposure. Policy also adds optional paragraph regarding the inclusion of related information in employee handbooks.

Administrative Regulation 4119.43/4219.43/4319.43 - Universal Precautions

Regulation updated to add a definition of occupational exposure and delete other unnecessary definitions. Section on "Employee Information" moved to BP. Section on "Infection Control Practices" revised to delete detailed requirements that are specifically applicable to employees identified as having occupational exposure, which are addressed in BP/AR 4119.42 - Exposure Control Plan for Bloodborne Pathogens, and to delete items with limited applicability in school settings.

Board Policy 4151/4251/4351 - Employee Compensation

Policy updated to delete Labor Code citation that is not applicable to public agencies and instead reflect Education Code provisions related to overtime compensation for classified employees.

Sierra County/Sierra-Plumas Joint USD

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0430

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Note: Pursuant to Education Code 56195.1, school districts and county offices of education (COE) are required to form geographical regions, known as Special Education Local Plan Areas (SELPAs), of sufficient size and scope to administer a local plan and the allocation of funds for all the special education service needs of the children residing within the boundaries of the region. Districts may join together or with a COE to form a SELPA, or a single district may form its own SELPA. Each SELPA is required to develop and administer a local plan describing how it will provide special education services. Pursuant to Education Code 56195.5, the Governing Board has authority, consistent with the SELPA plan, over the programs it directly maintains.

The following policy and accompanying administrative regulation should be revised to reflect requirements for the type of SELPA in which the district participates.

The Governing Board recognizes its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school. Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

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

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

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

The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the county, the district shall serve as a SELPA. Special Education Local Plan Area (SELPA) pursuant to Education Code 56195.1.

The Superintendent or designee shall develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board and submitted to the

county office of education and the Superintendent of Public Instruction. (Education Code 56195.1, 56195.3)

(cf. -0400 - Comprehensive Plans)

Note: Pursuant to Education Code 56195.9, beginning July 1, 2020, the local plan must be reviewed by the SELPA at least once every three years. The budget plan, service plan, and annual assurances support plan must still be reviewed annually pursuant to Education Code 56205; see the accompanying administrative regulation.

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Note: Pursuant to Education Code 56195.7, a single-district SELPA is **mandated** to adopt a written procedure for the ongoing review of programs and a mechanism for correcting any identified problem. For districts participating in a multi-district SELPA with or without a COE pursuant to Option 2 or 3 above, these requirements are contained in the written agreement entered into by members of the SELPA. The following paragraph may be revised to reflect district and/or SELPA practice.

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

Legal Reference:

EDUCATION CODE

56000-56001 Education for individuals with exceptional needs
 56020-56035 Definitions
 56040-56046 General provisions
 56048-56050 Surrogate parents
 56055 Foster parents
 56060-56063 Substitute teachers
 56170-56177 Children enrolled in private schools
 56190-56194 Community advisory committees
 56195-56195.10 Local plans
 56205-56208 Local plan requirements
 56213 Special education local plan areas with small or sparse populations
 56240-56245 Staff development
 56300-56385 Identification and referral, assessment, instructional planning
 56440-56447.1 Programs for individuals between the ages of three and five years
 56500-56508 Procedural safeguards, including due process rights
 56520-56524 Behavioral interventions
 56600-56606 Evaluation, audits and information
 56836-56836.05 Administration of local plan

GOVERNMENT CODE

7579.5 Surrogate parent, appointment, qualifications, liability

95000-95029 California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

361 Limitations on parental control

726 Limitations on parental control

CODE OF REGULATIONS, TITLE 5*3000-3089 Regulations governing special education*UNITED STATES CODE, TITLE 20*1400-1482 Individuals with Disabilities Education Act*UNITED STATES CODE, TITLE 29*794 Rehabilitation Act of 1973, Section 504*UNITED STATES CODE, TITLE 42*12101-12213 Americans with Disabilities Act*CODE OF FEDERAL REGULATIONS, TITLE 34*99.10-99.22 Inspection, review and procedures for amending education records**104.1-104.39 Section 504 of the Rehabilitation Act of 1973**300.1-300.818 Assistance to states for the education of children with disabilities, including:**300.500-300.520 Due process procedures for parents and children**303.1-303.654 Early intervention program for infants and toddlers with disabilities**Management Resources:*WEB SITES*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>**U.S. Department of Education, Office of Special Education Programs:**<http://www.ed.gov/about/offices/list/osers/osep>*

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

Policy adopted: December 11, 2007

revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0430

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Definitions

Free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR 300.1-300.818; include appropriate preschool, elementary school, or secondary school education for ~~children~~individuals between the ages of 3 and 21; and are provided in conformity with ~~the student's~~an individualized education program (IEP) that meets the ~~requirement~~requirements of 34 CFR 300.320-300.324. ~~(Education Code 56040; 34 CFR 300.17, 300.101, 300.104)~~

~~The right to FAPE extends to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104)~~

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

~~(cf. 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education)~~

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including ~~children~~individuals in public or private institutions or other care facilities, be educated with ~~children~~individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. ~~(34 CFR 300.107, 300.114, 300.117)~~ Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Education Code 56040.1; 34 CFR 300.107, 300.114, 300.117)

~~Special education means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities whose educational needs cannot be met with modification of the regular instruction program. It also includes related services, provided at no cost to the parent/guardian, that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, to meet the educational and service needs of individuals with disabilities in the least restrictive environment. (Education Code 56031)~~

~~Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards within the district that apply to all students. (34 CFR 300.39)~~

~~Surrogate parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.519; Education Code 56050)
(cf. 6159.4 Appointment of Surrogate Parent for Special Education)~~

Elements of the Local Plan

Note: Education Code 56205 and 56206 detail the elements that must be included in the local plan developed by the Special Education Local Plan Area (SELPA), including a requirement that the plan contain assurances of general compliance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), and the Americans with Disabilities Act (42 USC 12101-12213).

Pursuant to Education Code 56122, the California Department of Education (CDE) has developed templates for plan development, which are available on its web site.

The local plan ~~are~~ developed by the Special Education Local Plan Area (SELPA) shall include, but not be limited to, the following: (Education Code 56122, 56205, 56206)

- ~~1. Assurances that policies~~ 1. Policies, procedures, and programs, that are consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a) laws, regulations, and policies and 20 USC 1412(a), 20 USC 1413(a)(1)-(c), and 34 CFR 300.201 governing the following:
 - a. Free appropriate public education
 - b. Full educational opportunity
 - c. Child find and referral
 - d. Individualized education programs, including development, implementation, review, and revision
 - e. Least restrictive environment
 - f. Procedural safeguards
 - g. Annual and triennial assessments
 - h. Confidentiality
 - i. Transition from the Infants and Toddlers with Disabilities programs pursuant to 20 USC 1431 to the preschool program
 - j. Children in private schools

k. Compliance assurances, including general compliance with the federal Individuals with Disabilities Education Act (20 USC 1400-1482), Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), the federal Americans with Disabilities Act of 1990 (42 USC 12101-12213), related federal regulations, and Education Code 56205)56000-56865

2. An annual budget plan and annual service plan adopted at a public hearing held by the SELPA (Education Code 56205)

3.-1. A description of the governance and administration of the local plan in accordance with Education Code 56205(a)(12)

m. Personnel qualification to ensure that personnel, including special education teachers and personnel and paraprofessionals are appropriately and adequately prepared and trained in accordance with Education Code 56058 and 56070 and 20 USC 1412(a)(14) and 1413(a)(3)

n. Performance goals and indicators

o. Participation in state and districtwide assessments, including assessments described in 20 USC 6301 et seq. and alternate assessments in accordance with 20 USC 1412(a)(16), and reports relating to assessments

p. Supplementation of state, local, and other federal funds, including nonsupplantation of funds

q. Maintenance of financial effort

r. Opportunities for public participation before adoption of policies and procedures

s. Suspension and expulsion rates

t. Access to instructional materials by blind individuals with exceptional needs and others with print disabilities in accordance with 20 USC 1412(a)(23)

u. Overidentification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment described in 20 USC 1401 and 1412(a)(24)

v. Prohibition of mandatory medication use pursuant to Education Code 56040.5 and 20 USC 1412(a)(25)

2. An annual budget plan, including descriptions of the SELPA's allocation plan in accordance with Education Code 56836-56845, all revenues by revenue source received by the SELPA specifically for the purpose of special education, a breakdown of the

distribution of funds to each local educational agency (LEA) within the SELPA, projected total special education expenditures by each LEA, projected total expenditures by the SELPA and the LEAs within the SELPA, projected funding to be received specifically for regionalized operations, and a breakdown of projected SELPA operating expenditures

3. An annual service plan, describing the services to be provided by each LEA, regardless of whether the LEA participates in the local plan, including the nature of the services and the physical location at which the services will be provided. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

Note: Pursuant to Education Code 56122, as amended by SB 75 (Ch. 51, Statutes of 2019), beginning July 1, 2021, the local plan must include an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating to assure effective outcomes for students with disabilities. A template for the annual assurances support plan will be developed by CDE by July 1, 2020.

4. Beginning July 1, 2021, an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating for purposes of assuring effective outcomes for students with disabilities, including a description of:
- a. How the SELPA will support each participating district in achieving the goals, actions, and services identified in its local control and accountability plan
 - b. How the SELPA will connect any participating district in need of technical assistance to the statewide system of support
 - c. The services, technical assistance, and support the SELPA will provide to meet the required policies, procedures, and programs specified in Education Code 56205
5. A description of programs for early childhood special education from birth through five years of age (~~Education Code 56205~~)
- 4-6. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205 (~~Education Code 56205~~)
- 5-7. A description of a dispute resolution process (~~Education Code 56205~~), including mediation and arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan
- 6-8. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 (~~Education Code 56205~~) and that the committee had at least 30 days to conduct this review before submission of the local plan to CDE
- 7-9. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303 (~~Education Code 56205~~)

~~8.-10.~~ A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools ~~and,~~ the method ~~for~~of ensuring that all requirements of each student's IEP are being met ~~(Education Code 56205), and a method for evaluating whether the student is making appropriate educational progress~~

~~9.-11.~~ A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment ~~(Education Code 56206)~~

The local plan, annual budget plan, ~~and~~ annual service plan, and annual assurances support plan shall be written in language that is understandable to the general public. They shall be adopted at a public hearing of the SELPA, for which notice of the hearing shall be posted in each school in the SELPA at least 15 days before the hearing. (Education Code 56205)

~~Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)~~

~~(cf. 6164.4 – Identification of Individuals for Special Education)~~

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

Availability of the Plan

The Superintendent or designee shall post on the district's web site the approved local plan, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans. A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the district office and shall be accessible to any interested party. (Education Code 56205.5)

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007
revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Board Policy

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. See the section "Complaints Subject to UCP" below for a list of programs and activities subject to these procedures pursuant to state law.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such complaint procedures to be "prompt and equitable." OCR evaluates a district's procedures based on factors specified in the accompanying administrative regulation, including whether the procedures (1) provide notice to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

The following policy and accompanying administrative regulation reflect all components required by law and the 2020-21 FPM instrument. Additional details provided herein may help districts during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

Note: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Items #1-13 list all programs and activities identified in the FPM instrument. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; ~~American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs;~~ federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; ~~Economic Impact Aid;~~ the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; ~~special education programs;~~ California State Preschool Programs; ~~Tobacco Use Prevention Education programs;~~ and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
~~*(cf. 5131.62 - Tobacco)*~~
~~*(cf. 5148 - Child Care and Development)*~~
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
~~*(cf. 6159 - Individualized Education Program)*~~
~~*(cf. 6171 - Title I Programs)*~~
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)
2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast

milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)
5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)
6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
(cf. 0420 - School Plans/Site Councils)
8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
(cf. 6173.1 - Education for Foster Youth)

Note: Items #9-11 are for use by districts that maintain high schools.

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging

district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)

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

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

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)
11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
(cf. 6152 - Class Assignment)

Note: Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends the UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12.

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement ~~for students in elementary school~~ (Education Code 51210, ~~51222~~, 51223)
(cf. 6142.7 - Physical Education and Activity)
13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #14 below.

14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

15. Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that

any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following **optional** paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process ~~to reach for resolving a resolution to the~~ complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Note: The following paragraph is **mandated** pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.
(cf. 5141.4 - Child Abuse Prevention and Reporting)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Note: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing (DFEH). See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Note: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments, ~~or health and safety violations in any license-exempt California State Preschool Program~~ shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Legal Reference:*EDUCATION CODE200-262.4 *Prohibition of discrimination*8200-8498 *Child care and development programs*8500-8538 *Adult basic education*18100-18203 *School libraries*32280-32289 *School safety plan, uniform complaint procedures*~~33380-33384 *California Indian Education Centers*~~35186 *Williams uniform complaint procedures*~~44500-44508 *California Peer Assistance and Review Program for Teachers*~~46015 *Parental leave for students*48853-48853.5 *Foster youth*48985 *Notices in language other than English*49010-49014 *Student fees*49060-49079 *Student records, especially:*49069.5 *Records of foster youth*49490-49590 *Child nutrition programs*49701 *Interstate Compact on Educational Opportunity for Military Children*51210 *Courses of study grades 1-6*51222 *Physical education, secondary schools*51223 *Physical education, elementary schools*51225.1-51225.2 *Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements*51226-51226.1 *Career technical education*51228.1-51228.3 *Course periods without educational content*52060-52077 *Local control and accountability plan, especially:*52075 *Complaint for lack of compliance with local control and accountability plan requirements*~~52160-52178 *Bilingual education programs*~~52300-52462 *Career technical education*52500-52616.24 *Adult schools*~~54000-54029 *Economic Impact Aid*~~54400-54425 *Compensatory education programs*54440-54445 *Migrant education*54460-54529 *Compensatory education programs*~~56000-56865 *Special education programs*~~59000-59300 *Special schools and centers*64000-64001 *Consolidated application process; school plan for student achievement*65000-65001 *School site councils*GOVERNMENT CODE11135 *Nondiscrimination in programs or activities funded by state*12900-12996 *Fair Employment and Housing Act*HEALTH AND SAFETY CODE1596.792 *California Child Day Care Act; general provisions and definitions*1596.7925 *California Child Day Care Act; health and safety regulations*~~104420 *Tobacco Use Prevention Education*~~PENAL CODE422.55 *Hate crime; definition*422.6 *Interference with constitutional right or privilege*CODE OF REGULATIONS, TITLE 211023 *Harassment and discrimination prevention and correction*CODE OF REGULATIONS, TITLE 5~~3080 *Applicability of uniform complaint procedures to complaints regarding students with disabilities*~~4600-4670 *Uniform complaint procedures*4680-4687 *Williams uniform complaint procedures*4900-4965 *Nondiscrimination in elementary and secondary education programs*UNITED STATES CODE, TITLE 201221 *Application of laws*1232g *Family Educational Rights and Privacy Act*1681-1688 *Title IX of the Education Amendments of 1972*6301-6576 *Title I Improving the Academic Achievement of the Disadvantaged*6801-7014 *Title III language instruction for limited English proficient and immigrant students*UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age Discrimination Act of 1975
 12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
 35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
 99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
[Uniform Complaint Procedure 2020-21 Program Instrument](#)
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002
WEB SITES
 CSBA: <http://www.csba.org>
 California Department of Education: <http://www.cde.ca.gov>
 Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
 U.S. Department of Justice: <http://www.justice.gov>

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

Administrative Regulation

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP) and Education Code 8235.5 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP).

Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as the **Governing Board of Education** may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints

regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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Note: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Note: 5 CCR 4621 mandates that the district's policy require employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the

compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 5145.6 - Parental Notifications)

Note: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. During the FPM process, CDE staff will check the notice to ensure that it contains the components specified below.

A sample of the annual notice is available through CDE's web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
(cf. 0460 - Local Control and Accountability Plan)
(cf. 3260 - Fees and Charges)
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred
5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in

a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

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

(cf. 6175 - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints
7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
10. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. 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. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 and 52075 mandate districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of

individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that the complainant's name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. The OCR publication acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, the timeline specified below may be modified to reflect district practice.

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: In the investigation, the compliance officer should consider all relevant circumstances, such as how the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Final Decision

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

*(cf. 9321 - Closed Session ~~Purposes and Agendas~~
(cf. 9321.1 ~~Closed Session Actions and Reports~~)*

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., an order that the alleged offender stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

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

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys. (*cf.* 5137 - *Positive School Climate*)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
(*cf.* 6164.2 - *Guidance/Counseling Services*)
2. Academic support

3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
(*cf. 6164.5 - Student Success Teams*)
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
(*cf. 6145 - Extracurricular and Cocurricular Activities*)
7. Disciplinary action, such as suspension or expulsion, as permitted by law
(*cf. 5144 - Discipline*)
(*cf. 5144.1 - Suspension and Expulsion/Due Process*)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for physical education, pursuant to Education Code 51222 and 51223. Districts that do not maintain elementary schools should delete reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes ~~for students in elementary schools~~, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that complainants may appeal to CDE if they disagree with the district's decision on any matter within the scope of the UCP, as provided below.

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Note: Although not required pursuant to 5 CCR 4631-4633, OCR recommends that the right to appeal the district's decision to CDE be extended to the respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) to ensure fairness for all parties involved. The following paragraphs reflect OCR's recommendation.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's UCP
7. Other relevant information requested by CDE

Note: CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

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

Board Policy

Community Relations

BP 1340

ACCESS TO DISTRICT RECORDS

Note: The following **optional** policy and accompanying administrative regulation reflect requirements of the California Public Records Act (CPRA) (Government Code 6250-6270) pertaining to public access to public records of the district. "Public records," as defined by Government Code 6252, include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics; see "Definitions" in the accompanying administrative regulation. For information regarding retention of records, see BP/AR 3580 - District Records, AR 4112.6/4212.6/4312.6 - Personnel Files, and BP/AR 5125 - Student Records.

The Governing Board recognizes the right of members of the public to have access to public records of the district.~~The Board of Education recognizes the right of citizens to have access to public records of the district.~~ The district shall provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3580 - District Records)

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

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

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.5 - Student Assessment)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

Note: In City of San Jose v. Superior Court, the California Supreme Court held that communications regarding public business that have been sent, received, or stored by public officials on a personal account or device are not categorically exempt from disclosure under the CPRA (Government Code 6250-6270). The court noted that public agencies are required to disclose all applicable records that can be located "with reasonable effort," including those records contained on a public official's or employee's personal device regardless of whether they were transmitted through district servers. Such searches need not be extraordinarily extensive or intrusive. For further information, see CSBA's Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications. Also see AR 3580 - District Records and BB 9012 - Board Member Electronic Communications.

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

(cf. 4040 - Employee Use of Technology)

(cf. 9012 - Board Member Electronic Communications)

Note: Government Code 6253 authorizes the district to charge a person requesting a copy of a record a fee covering the direct costs of duplication; however, no fee can be charged to a person who wishes to inspect but not copy a record. In North County Parents Organization for Children with Special Needs v. Department of Education, the court determined that direct costs include only the cost of running the copy machine and possibly the expense of the person operating it. Examples of costs that do not fit this definition include costs associated with searching, reviewing, or redacting the record; assisting the requester in formulating the request; responding to the request; or employee time to sit with the requester during inspection of the record. Because it is not clearly authorized by law, districts wishing to charge for the cost of the copy machine operator should consult with legal counsel.

In addition, Government Code 6253 authorizes districts to provide faster access or access to more records than the minimum standards provided by law. According to the court in North County Parents Organization, this provision permits a district to waive or reduce its fees, as a reduction in copy fees permits greater access to records. For example, a district may consider waiving fees below a certain dollar threshold because the costs of collecting the fee exceed the fee amount.

Pursuant to Government Code 6253, as amended by AB 1819 (Ch. 695, Statutes of 2019), members of the public who request to inspect a disclosable record of the district have the right to use their own equipment on district premises, without being charged any fees or costs, to photograph, copy, or reproduce the record in a manner that does not require the equipment to make physical contact with the record. For further information about exceptions and limitations on the use of one's own equipment to copy a record of the district, see "Inspection of Records and Requests for Copies" in the accompanying administrative regulation.

The district may charge for copies of public records or other materials requested by individuals or groups, unless they are using their own personal equipment to reproduce the record. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Note: The following paragraph is optional.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

41020 Requirement for annual audit

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

44839 Medical certificates; periodic medical examination

49060-49079 Student records

49091.10 Parental review of curriculum and instruction

GOVERNMENT CODE

3547 Proposals relating to representation

6250-6270 California Public Records Act

6275-6276.48 ~~Other~~ California Public Records Act; other exemptions from disclosure

8310.3 California Religious Freedom Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Political Reform Act, public records; inspection and reproduction

CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282

Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440

International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319

Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381

Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324

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North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App. 4th 144

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71 Ops.Cal.Atty.Gen. 235 (1988)

64 Ops.Cal.Atty.Gen. 186 (1981)

Management Resources:

CSBA PUBLICATIONS

Legal Alert:- Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Summary of the Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

California Department of Justice Guidelines for Access to Public Records Act, 2004, October 2017

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business:-A Guide to the California Public Records Act, 2008 rev. April 2017

WEB SITES

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

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

Institute for Local Government: <http://www.cacities.org>

State Bar of California: [-http://www.calbar.ca.gov](http://www.calbar.ca.gov)

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

Policy adopted: April 10, 2007

revised: June 13, 2017

revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

Community Relations

AR 1340

ACCESS TO DISTRICT RECORDS

Note: Article 1, Section 3 of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Courts broadly interpret rules or laws granting access and narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for restricting access to public records.

The following **optional** administrative regulation lists those records defined as public and, in contrast, those defined as confidential to which there is no public access. It is not intended to provide an all-inclusive list of records that may be defined as either public or confidential.

Definitions

Note: Pursuant to Government Code 6252, a "public record" includes any writing that relates to district business as defined below.

Emails and other electronic communications related in a substantive manner to district business are considered public records. Furthermore, in *City of San Jose v. Superior Court*, the California Supreme Court held that using a personal account or personal device to send, receive, or store communications regarding public business does not categorically exclude those records from disclosure upon request under the California Public Records Act (CPRA) (Government Code 6250-6270). The court noted that public agencies are required to disclose all applicable records that can be located "with reasonable effort," including those records contained on a public employee's or official's personal device or account. Such searches need not be extraordinarily extensive or intrusive. For further information, see CSBA's Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications. Also see the accompanying Board policy, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.

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

(cf. 3580 - District Records)

(cf. 9012 - Board Member Electronic Communications)

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

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

Public Records

Note: While not specifically enumerated in Government Code 6252, items #1-14 below are items which fall within the definition of "public records."

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

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)
(*cf. 3100 - Budget*)
(*cf. 3460 - Financial Reports and Accountability*)
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)
(*cf. 9324 - Minutes and Recordings*)
6. Meeting agendas (Government Code 54957.5)
(*cf. 9322 - Agenda/Meeting Materials*)
7. Official communications between the district and other government agencies

Note: District and school plans (e.g., local control and accountability plan, school plan for student achievement, comprehensive safety plan) must generally be accessible to the public. However, pursuant to Education Code 32281, the Governing Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the school site. See BP 0450 - Comprehensive Safety Plan.

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
(*cf. 0400 - Comprehensive Plans*)
(*cf. 0420 - School Plans/Site Councils*)
(*cf. 0440 - District Technology Plan*)
(*cf. 0450 - Comprehensive Safety Plan*)
(*cf. 0460 - Local Control and Accountability Plan*)
(*cf. 3516 - Emergencies and Disaster Preparedness Plan*)
(*cf. 3543 - Transportation Safety and Emergencies*)
(*cf. 7110 - Facilities Master Plan*)
- 9.- Initial proposals of exclusive employee representatives and of the district (Government Code 3547)
(*cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations*)

Note: Government Code 6254 exempts from disclosure those records pertaining to pending litigation until the pending litigation or claim has been finally adjudicated or otherwise settled. However, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that records predating the filing of the lawsuit are subject to disclosure. In Fairley v. Superior Court, a California Court of Appeal concurred and held that documents were exempted only if they were prepared for use in litigation. (See item #2 in the section "Confidential Records" below.) The Board should consult legal counsel if it believes that any document related to litigation should not be disclosed.

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)
(cf. 3320 - Claims and Actions Against the District)
11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
(cf. 9270 - Conflict of Interest)

Note: Generally, the names and salaries of public employees are subject to disclosure under the CPRA. In *Sacramento County Employees Retirement System v. Superior Court*, a California Court of Appeal held that the names and corresponding pension benefits of members of a county retirement system are subject to disclosure and are not considered "individual records of members" protected by Government Code 31532. However, in *International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, the California Supreme Court recognized that, in some instances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances. The Board should consult legal counsel if it believes that any document related to the names and salaries of public employees should not be disclosed.

12. Documents containing names, salaries, and pension benefits of district employees
13. Employment contracts and settlement agreements (Government Code 53262)
(cf. 2121 - Superintendent's Contract)
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)
(cf. 4141/4241 - Collective Bargaining Agreement)
14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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

Note: Government Code 6254.29 specifies that the CPRA does not require a district to disclose a social security number and states the Legislature's intent that districts will redact social security numbers from any records being disclosed to the public. In addition, Government Code 6254.3 prohibits disclosure of an employee's personal cell phone number and birth date.

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

Confidential Public Records

Note: Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement (ICE), as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order. An ICE "administrative warrant" is not a court order that would allow a district to disclose student records without parent/guardian consent. See BP/AR 5125 - Student Records, BP/AR 5145.13 - Response to Immigration Enforcement, and the Office of

the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

In addition, pursuant to Government Code 8310.3, districts are prohibited from collecting or disclosing to federal government authorities any personal information regarding an individual's religious beliefs, practices, or affiliation for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

(cf. 5145.13 - Response to Immigration Enforcement)

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

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)
(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

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

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

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

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
(*cf.* 4154/4254/4354 - *Health and Welfare Benefits*)
4. Student records, except directory information and other records to the extent permitted ~~under the law, when disclosure is authorized by law~~ by law and district policy
(*cf.* 5125 - *Student Records*)
(*cf.* 5125.1 - *Release of Directory Information*)
(*cf.* 5125.3 - *Challenging Student Records*)
5. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)
(*cf.* 6162.51 - *State Academic Achievement Tests*)
6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 6254)
8. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library; ~~to persons authorized in writing,~~ by the individual to whom the records pertain, to inspect the records; or by court order (Government Code 6254, 6267)
(*cf.* 6163.1 - *Library Media Centers*)

Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.

In Los Angeles County Board of Supervisors v. Superior Court, the California Supreme Court held that invoices for the services of district counsel, or portions of those invoices, may be privileged and therefore exempt from disclosure. The Board should consult with legal counsel to determine what records to disclose in response to a CPRA request for such invoices.

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
(*cf.* 9124 - *Attorney*)

10. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)
11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)
(cf. 9223 - Filling Vacancies)
12. Minutes of Board meetings held in closed session (Government Code 54957.2)
(cf. 9321 - Closed Session ~~Purposes and Agendas~~)
13. Computer software developed by the district (Government Code 6254.9)
14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)
(cf. 5141.6 - School Health Services)
16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Note: Item #17 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

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

Inspection of Records and Requests for Copies

Note: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

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

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

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

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

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

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

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the inspection or copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

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

Note: The following **optional** paragraph is for use by districts that charge for copies. See the accompanying Board policy.

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

Note: Pursuant to Government Code 6253, as amended by AB 1819 (Ch. 695, Statutes of 2019), members of the public have the right to use their own equipment on district premises to copy a disclosable record, without being charged any fees or costs. The record must be reproduced in a manner as specified below.

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on district premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 6253)

1. Do not require the equipment to make physical contact with the record
2. Will not result in damage to the record
3. Will not result in unauthorized access to the district's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the district's electronic records

Note: Government Code 6253, as amended by AB 1819, authorizes the district to impose reasonable limits on the use of personal equipment by members of the public to copy disclosable records, as specified below.

The Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records, or to prevent the copying of records from being an unreasonable burden to the orderly function of the district and its employees. The Superintendent or designee may also impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. (Government Code 6253)

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

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

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

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

Assistance in Identifying Requested Records

Note: Government Code 6253.1 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. This assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential.

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

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

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

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Regulation approved: April 10, 2007
 revised: March 13, 2012
 revised: January 17, 2017
 revised: April 9, 2019
 revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Board Policy

All Personnel

BP 4119.42~4219.42~4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Note: Pursuant 29 CFR 1910.1030 and 8 CCR 5193, districts must identify employees who have occupational exposure to bloodborne pathogens and must establish a written exposure control plan to eliminate or minimize employee exposure to these pathogens. Because safety conditions of employment are within the scope of bargaining pursuant to Government Code 3543.2, the district may want to consult legal counsel regarding whether components of its exposure control plan are subject to collective bargaining.

As part of its commitment to provide a safe and ~~healthful~~healthy work environment, the ~~Governing Board of Education~~ recognizes the importance of ~~developing an exposure control plan protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV).~~ The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace ~~to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).~~

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

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

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

~~The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))~~

Note: The following **optional** paragraph allows for employees to be included in the training and vaccination program without being classified as having occupational exposure.

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:GOVERNMENT CODE3543.2 Scope of bargainingLABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

6401.7 Injury and illness prevention programCODE OF REGULATIONS, TITLE 83203 Injury and illness prevention program

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:~~CDE ADVISORIES~~~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONSFrequently Asked Questions About the Bloodborne Pathogens StandardA Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001Exposure Control Plan for Bloodborne Pathogens, 2001WEB SITES~~OSHA: <http://www.osha.gov>~~~~Cal/OSHA [California Department of Industrial Relations, Occupational Safety and Health:](http://www.dir.ca.gov/occupational_safety.html)~~~~http://www.dir.ca.gov/occupational_safety.html~~~~Centers for Disease Control and Prevention: <http://www.cdc.gov>~~~~U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>~~

SIERRA COUNTY OFFICE OF EDUCATION
 SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
 Policy adopted: April 10, 2007
 revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Administrative Regulation

All Personnel

AR 4119.42~4219.42~4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Note: The following **optional** administrative regulation summarizes key requirements for preventing and handling exposure to bloodborne pathogens pursuant to 8 CCR 5193. The standards are detailed and lengthy, and districts are encouraged to examine the full content of 8 CCR 5193 to determine any additional requirements applicable to their circumstances. Because safety conditions of employment are within the scope of bargaining pursuant to Government Code 3543.2, the district may want to consult legal counsel regarding whether components of its exposure control plan are subject to collective bargaining.

Districts may wish to consider including the following regulation in their employee handbooks.

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that ~~result~~results from the performance of an employee's duties. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

A *sharp* is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193~~(b)~~)

A *sharps injury* is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193~~(b)~~)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193~~(b)~~); 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193~~(e)~~); 29 CFR 1910.1030)

1.- ___ A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:

~~The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include a list of:~~

~~a.- ___~~ All job classifications in which all employees have occupational exposure

~~b.- ___~~ Job classifications in which some employees have occupational exposure

~~c.- ___~~ All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #~~b~~1b above

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

2.- ___ The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:

~~a.- ___~~ Methods of compliance required by 8 CCR 5193(d), ~~such as~~ and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

~~b.- ___~~ Hepatitis B vaccination

~~c.- ___~~ Bloodborne pathogen post-exposure evaluation and follow-up

~~d.- ___~~ Communication of hazards to employees, ~~including labels, signs, through~~ information and training

~~e.- ___~~ Recordkeeping, including medical records, training records, and a log of sharps injuries

3.- ___ The district's procedure for evaluating documenting the route(s) of exposure and the circumstances surrounding under which exposure incidents occurred

4.- ___ An effective procedure for gathering information about each exposure incident involving a sharp, ~~as required for the log of sharps injuries~~

- 5.- ___ An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents ~~documented in the sharps injury log~~
- 6.- ___ An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
- 7.- ___ An effective procedure for documenting instances when a licensed healthcare professional directly involved in ~~a patient's~~ an employee's care determines, ~~in the reasonable exercise of clinical judgment,~~ that the use of an engineering control would jeopardize ~~an individual's~~ the employee's safety or the success of a medical, dental, or nursing procedure involving the ~~individual~~ employee
- 8.- ___ An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193~~(e)~~); 29 CFR 1910.1030)

- 1.- ___ Reflect new or modified tasks and procedures affecting occupational exposure
- 2.- ~~To~~ Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, reflect progress in implementing the usedocument consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
- 3.- ___ Include new or revised employee positions with occupational exposure
- 4.- ___ Review and evaluate the exposure incidents which occurred since the previous update
- 5.- ___ Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204~~(e)~~), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure, to bloodborne pathogens. Engineering controls and work practice controls shall regularly examinebe evaluated on a regular schedule and update controls, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d)) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. -The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, ~~or~~ antibody testing has revealed that the employee is immune, or vaccination is contraindicated ~~by~~for medical reasons. (8 CCR 5193(~~f~~)); 29 CFR 1910.1030)

Note: Pursuant to 8 CCR 5193 and 29 CFR 1910.1030, if the employee declines to accept the hepatitis B vaccination offered by the district, the district must ensure that the employee signs the statement reproduced in the accompanying Exhibit.

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(~~f~~)); 29 CFR 1910.1030)

The Superintendent or designee may exempt ~~designated first aid providers~~ from the pre-exposure hepatitis B vaccine ~~in accordance with designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193(~~f~~)).~~

Information and Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program ~~containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered~~ at the time of initial assignment to tasks where occupational exposure may take place; and at least annually thereafter; The training shall be offered during working hours and whenever a change of tasks or procedures affects at no cost to the ~~employee's exposure~~ employee. (8 CCR 5193(~~g~~)); 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens

4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193~~(g)~~)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193~~(f)~~)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193~~(e)~~)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193~~(e)~~); 29 CFR 1910.1030)

- 1.- ___ Date and time of the exposure incident
- 2.- ___ Type and brand of sharp involved in the exposure incident
- 3.- ___ A description of the exposure incident, including:
 - a.- ___ Job classification of the exposed employee
 - b.- ___ Department or work area where the exposure incident occurred
 - c.- ___ The procedure that the exposed employee was performing at the time of the incident
 - d.- ___ How the incident occurred
 - e.- ___ The body part involved in the incident
 - f.- ___ If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g.- ___ If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h.- ___ The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193~~(f)~~); 29 CFR 1910.1030)

- 1.- ___ Document the route(s) of exposure and the circumstances under which the exposure incident occurred

Note: Pursuant to 8 CCR 5193 and 29 CFR 1910.1030, the district must identify and document the source individual, unless to do so is not feasible or is prohibited by law. If the source individual provides consent, that individual's blood should be tested as soon as feasible to determine hepatitis B, hepatitis C, or HIV infectivity.

The district should obtain permission from the source individual before disclosing confidential information about that source individual, in accordance with law. Legal counsel should be consulted as necessary to ensure compliance with confidentiality laws.

- 2.- Identify and document the source individual, unless that identification is ~~infeasible~~ not feasible or is prohibited by law
- 3.- Provide ~~With the consent of the exposed employee, provide~~ for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
- 4.- Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
- 5.- Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193~~(f)~~); 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193~~(f)~~)

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

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

~~Medical records for each employee with occupational exposure~~*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193~~(h)~~); 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204~~(e)~~)

Records shall be maintained as follows: (8 CCR 3204~~(d)~~, 5193~~(h)~~; 29 CFR 1910.1030)

1. ~~Medical~~The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Regulation approved: April 10, 2007
revised: July 14, 2020

Sierra County/Sierra-Plumas Joint USD

Exhibit

All Personnel

E 4119.42~4219.42~4319.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

HEPATITIS B VACCINE DECLINATION

Note: 8 CCR 5193 and 29 CFR 1910.1030 require the district to ensure that the following statement is signed by any employee with occupational exposure to bloodborne pathogens or other potentially infectious materials who declines to accept the hepatitis B vaccination offered by the district.

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the district makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Exhibit version: April 10, 2007
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Sierra County/Sierra-Plumas Joint USD

Board Policy

All Personnel

BP 4119.43~4219.43~4319.43

UNIVERSAL PRECAUTIONS

Note: The following policy and accompanying administrative regulation establish the expectation that all employees will observe universal precautions to prevent the spread of infectious diseases. In addition, pursuant to 8 CCR 5193(d) and 29 CFR 1910.1030, all districts with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens.

Because safety conditions of employment are within the scope of bargaining pursuant to Government Code 3543.2, the district may want to consult legal counsel regarding whether components of this policy or the accompanying administrative regulation are subject to collective bargaining.

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board of Education requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - ~~Student School Health and Social Services~~)

(cf. 6145.2 - Athletic Competition)

Note: Health and Safety Code 120880 requires districts to provide information regarding AIDS and hepatitis B, as specified below, including that the cost of a hepatitis B vaccination may be covered by the employees' health benefit plan. For employees who are identified as having occupational exposure to bloodborne pathogens, the cost of a hepatitis B vaccination must be borne by the district pursuant to 8 CCR 5193 and 29 CFR 1910.1030; see AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens.

Districts may also wish to provide information to employees about the hepatitis C virus and other bloodborne pathogens that may be controlled through the use of universal precautions. The following paragraph should be modified to reflect any additional information provided to employees.

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

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

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

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

(cf. 4119.42/4219.42/4319.42 - *Exposure Control Plan for Bloodborne Pathogens*)

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of bargaining

HEALTH AND SAFETY CODE

117600-118360 *Handling and disposal of regulated waste*

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

LABOR CODE

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

5193 *California bloodborne pathogens standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CDE PROGRAM ADVISORIES

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Hepatitis B Questions and Answers for the Public

WEB SITES

American Federation of Teachers: <https://www.aft.org>

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

California Department of Public Health: <https://www.cdph.ca.gov>

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

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

Administrative Regulation

All Personnel

AR 4119.43~4219.43~4319.43
UNIVERSAL PRECAUTIONS

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. (8 CCR 5193(b)); 29 CFR 1910.1030)

~~Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))~~

~~Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)~~

A *sharp* is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

Infection Control Practices

~~Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))~~

Employee Information

~~The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880) (cf. 4112.9/4212.9/4312.9 Employee Notifications)~~

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

~~Infection Control Practices~~

~~The Superintendent or designee shall ensure that the worksite is effectively maintained in a clean and sanitary condition, and shall implement an appropriate written schedule~~2. When necessary for cleaning and decontamination of the worksite. (8 CCR 5193(d))

~~Where employees with occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment.~~ (8 CCR 5193(d)) (8 CCR 5193)

~~The Superintendent or designee shall provide~~3. Provide handwashing facilities which are readily accessible to employees. ~~When provision of handwashing facilities is, or, if~~ not feasible, ~~the Superintendent or designee shall~~ provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

~~For the prevention of infectious disease, employees shall routinely:~~ (8 CCR 5193(d))

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. ~~Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.~~

2. ~~Use~~ Use personal protective equipment as appropriate.

a. ~~Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.~~

~~If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.~~

b. ~~Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.~~

~~Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible~~

~~if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.~~

~~e. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.~~

~~3.-2. Wash hands and other skin surfaces thoroughly with soap and running water:~~

~~a.- Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials~~

~~b.- Immediately after removing gloves or other personal protective equipment~~

~~-3. When handwashing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.~~

~~4.- Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.~~

~~5.- Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.~~

~~6.- Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.~~

~~7.- Use effective patient handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.~~

~~(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)~~

~~(cf. 5141.24 - Specialized Health Care Services)~~

~~a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.~~

~~b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.~~

~~e. Disposable sharps shall not be reused.~~

8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.

a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d)(3)(D). ~~Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.~~

b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.6 - ~~Student~~School Health ~~and Social~~ Services)

(cf. 6145.2 - Athletic Competition)

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

Regulation approved: April 10, 2007

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Sierra County/Sierra-Plumas Joint USD

Board Policy

All Personnel

BP 4151~4251~4351

EMPLOYEE COMPENSATION

Note: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following **optional** policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board of Education recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

(cf. 3100 - Budget)

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

(cf. 4000 - Concepts and Roles)

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

Note: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

(cf. 4030 - Nondiscrimination in Employment)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

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

(cf. 4312.1 - Contracts)

Note: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the

Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, whether or not the employees are engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

Note: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances such as a pandemic which interrupts district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following **optional** paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

Note: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the web site of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

Note: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions. See BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or

by the Board, the employee must be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, ~~employees shall be exempt from overtime rules if they are employed as teachers or, school administrators or if they qualify as being employed,~~ and other employees in ~~an~~ positions established by the Board as executive, administrative, or professional ~~capacity and are paid a monthly salary that is at least twice the state minimum wage for full-time employment.~~ ~~(Labor shall be exempt from overtime rules. (Education Code 510, 515, 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)~~
(*cf. 4300 - Administrative and Supervisory Personnel*)

Note: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. ~~An employee who has requested the use of compensatory time shall be allowed to use such time within a reasonable period~~ 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. ~~(Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)~~

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

(*cf. 3580 - District Records*)

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

Legal Reference:

EDUCATION CODE

45022-45061.5 Salaries, especially:

45023 Availability of salary schedule

45028 Salary schedule for certificated employees

45127-45133.5 Classified employees; work week; overtime provisions

45160-45169 Salaries for classified employees

45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:

3543.2 Scope of representation

3543.7 Duty to meet and negotiate in good faith

LABOR CODE

226 Employee access to payroll records

232 Disclosure of wages

~~510 Overtime compensation; length of work day and week; alternative schedules~~~~515 Overtime exemption for administrative, executive, and professional employees~~CODE OF REGULATIONS, TITLE 8

11040 Wages and hours; definitions of administrative, executive, and professional employees

UNITED STATES CODE, TITLE 26

409A Deferred compensation plans

UNITED STATES CODE, TITLE 29

201-219 Fair Labor Standards Act, especially:

203 Definitions

207 Overtime

213 Exemptions from minimum wage and overtime requirements

CODE OF FEDERAL REGULATIONS, TITLE 26

1.409A-1 Definitions and covered plans

CODE OF FEDERAL REGULATIONS, TITLE 29

516.4 Notice of minimum wage and overtime provisions

516.5-516.6 Records

541.0-541.710 Exemptions for executive, administrative, and professional employees

553.1-553.51 Fair Labor Standards Act; applicability to public agencies

COURT DECISIONS*Flores v. City of San Gabriel*, 9th Cir., June 2, 2016, No. 14-56421

Management Resources:

OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) Due to Loss of Operations, Memorandum M-20-17, March 19, 2020*WEB SITESCSBA: <http://www.csba.org>Internal Revenue Service: <http://www.irs.gov>School Services of California, Inc.: <http://www.sscal.com>U.S. Department of Labor, Wage and Hour Division: <https://www.dol.gov/whd>SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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