Mesa Union School District

Agenda for the Special Board Meeting of the Board of Trustees to be held on Tuesday, May 1, 2018, at 6:00 p.m. in the School Multi-Purpose Room located at 3901 North Mesa School Road, Somis, California 93066

The Regular Board Meeting of the Board of Trustees will begin at 6:00 p.m. with closed session and approximately 6:30 p.m. for open session. A complete agenda packet is available at the District Office, 3901 North Mesa School Road, Somis, 72 hours prior to a regularly scheduled meeting and online at www.mesaschooldistrict.org.

1. CALL TO ORDER AND RECOGNITION OF A QUORUM

Time_____	Present	Absent
Mr. Bryan Stotko, President	_____	_____
Mrs. Mary Crull, Vice President	_____	_____
Mrs. Tonya Brunett, Clerk	_____	_____
Mr. Steven Sullivan, Trustee	_____	_____
Mrs. Carolyn Rodriguez-Quddus, Trustee	_____	_____
Mr. Jeff Turner, Superintendent	_____	_____
Mrs. Tami Peterson, Chief Business Official	_____	_____
Mrs. Erica Magdaleno, Executive Assistant	_____	_____

2. ADOPTION OF AGENDA

Usually an agenda covers an entire session, in which case it is the order of business for that session and is adopted by majority vote of the assembly. Thereafter, no change can be made in the agenda except by a two-thirds vote or by unanimous consent. At the point of adoption of the agenda, any Board member or the Superintendent can request that the agenda be reordered.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

At this time, any member of the public may address the Board concerning the closed session items. A person addressing the Board is urged to use not more than three (3) minutes of time. If you wish to address the Board, please plan to complete a Speaker Form prior to the start of the meeting. Forms are available in the District Office, at the Board meeting and online at www.mesaschooldistrict.org

4. CLOSED SESSION

During this time, the Board may adjourn to closed session to discuss confidential material relating to:

A. Personnel as authorized by Government Code §54957 as it relates to personnel needs for the 2018-2019 school year

ADJOURN FROM CLOSED SESSION

Time: _____

RECONVENE IN PUBLIC

(Approximate time 6:30 p.m.) Time: _____

Report of actions taken during closed session: The president of the Board will report on actions taken during closed session.

5. OFFICIAL OPENING - PLEDGE OF ALLEGIANCE

6. MINUTES

It is the recommendation of the District Administration that the Board of Trustees approve the minutes of the Regular Board Meeting of March 20, 2018.

7. AUDIENCE TO ADDRESS BOARD OF TRUSTEES - COMMENTS BY THE PUBLIC

Mesa Union School District

Agenda for the Special Board Meeting of the Board of Trustees to be held on Tuesday, May 1, 2018, at 6:00 p.m. in the School Multi-Purpose Room located at 3901 North Mesa School Road, Somis, California 93066

All individuals are invited to speak to the Board during public comment on matters related to the District. If you wish to address the Board, please plan to complete a Speaker Form prior to the start of the meeting. Forms are available in the District Office, at the Board meeting and online at www.mesaschooldistrict.org.

8. SUPERINTENDENT'S REPORT

- **A.** School Bond Feasibility
- **B.** Middle School Growth
- **C.** After-School Programming
- **D.** Monthly Attendance/Discipline Reports

9. BOARD MEMBERS' REPORTS AND COMMUNICATIONS

- **A.** Correspondence
  - **1.** Ventura County Office of Education correspondence with regards to AB 1200 and Government Code Section 3547.5.
- **B.** Board members' reports and communications
- **C.** Board members' interests and concerns

10. CONSENT AGENDA

Approval of the Consent Agenda – All items on the Consent Agenda are to be approved as one motion unless a Board member requests separate action on a specific item. Each item approved shall be deemed to have been read in full and adopted as recommended.

A. Purchase Orders –Mesa (March 1, 2018-March 30, 2018)

It is the recommendation of the District Administration that the Purchase Orders be approved as presented.

PLEASE SEE AGENDA ITEM 10A IN THE PACKET

B. Check Register – Mesa (March 1, 2018-March 30, 2018)

It is the recommendation of the District Administration that the Check Register be approved as presented.

PLEASE SEE AGENDA ITEM 10B IN THE PACKET

C. Statement of Revenues and Expenditures (March 1, 2018-March 30, 2018)

It is the recommendation of the District Administration that the Statement of Revenues and Expenditures be approved as presented.

PLEASE SEE AGENDA ITEM 10C IN THE PACKET

D. Current Enrollment Report

It is the recommendation of the District Administration that the Enrollment Report be approved as presented.

PLEASE SEE AGENDA ITEM 10D IN THE PACKET

E. Student of the Month Listing and Honor/Merit Roll

It is the recommendation of the District Administration that the Student of the Month and Honor/Merit Roll listing be accepted as presented.

PLEASE SEE AGENDA ITEM 10E IN THE PACKET

F. Student Body Fund and Revolving Fund Accounting for the 2017-2018 school year

Is is the recommendation of the District Administration that Student Body Fund and Revolving Fund Accounting for the 2017-2018 school year be accepted as presented.

PLEASE SEE AGENDA ITEM 10F IN THE PACKET

11. ACTION/DISCUSSION ITEMS

A. Consideration of Approval of the Community Bond Feasibility Survey Contract with Isom Advisors, a Division of Urban Futures, Inc. (Fiscal Impact $3000.00/General Fund)

It is the recommendation of the District Administration that the Board of Trustees approve the Community Bond Feasibility Contract with Isom Advisors, a Division of Urban Futures, Inc.

PLEASE SEE AGENDA ITEM 11A IN THE PACKET

B. Consideration of Adoption of Resolution #17-18-10 Designation of Applicant's Agent Resolution for Non-State Agencies

It is the recommendation of the District Administration that the Board of Trustees adopt Resolution#17-18-10 Designation of Applicant's Agent Resolution for Non-State Agencies.

PLEASE SEE AGENDA ITEM 11B IN THE PACKET

C. Consideration of approval of the 2018-2019 Bell Schedule

It is the recommendation of the District Administration that the Board of Trustees approve the 2018-2019 bell schedule.

PLEASE SEE AGENDA ITEM 11C IN THE PACKET

D. Consideration of approval of the revised classified salary schedules

It is the recommendation of the District Administration that the Board of Trustees approve the revised classified salary schedules.

PLEASE SEE AGENDA ITEM 11D IN THE PACKET

E. Consideration of approval of the Assistant Principal Salary Schedule

It is the recommendation of the District Administration that the Board of Trustees approve the Assistant Principal Salary Schedule.

PLEASE SEE AGENDA ITEM 11E IN THE PACKET

F. Consideration of approval of the Declaration of Need for Fully Qualified Educators for the 2018-2019 school year

It is the recommendation of the District Administration that the Board of Trustees approve the Declaration of Need for Fully Qualified Educators for the 2018-2019 school year.

PLEASE SEE AGENDA ITEM 11F IN THE PACKET

G. Consideration of approval of the Annual Statement of Need for 30-Day Substitute Teaching Permits for the 2018-2019 school year

It is the recommendation of the District Administration that the Board of Trustees approve the Annual Statement of Need for 30-Day Substitute Teacher Permits for the 2018-2019 school year.

PLEASE SEE AGENDA ITEM 11G IN THE PACKET

H. Consideration of acceptance of the Quarterly Report on Williams Uniform Complaints

It is the recommendation of the District Administration that the Board of Trustees approve the Quarterly Report on Williams Uniform Complaints.

PLEASE SEE AGENDA ITEM 11H IN THE PACKET

I. Consideration of approval of the Notice of Completion with Alliance Building Solutions

It is the recommendation of the District Administration that the Board of Trustees approve the Notice of Completion with Alliance Building Solutions.

PLEASE SEE AGENDA ITEM 11I IN THE PACKET

J. Consideration of approval of the Notice of Completion with MSFG, Inc., dba Affordable Plumbing Pros

It is the recommendation of the District Administration that the Board of Trustees approve the Notice of Completion with MSFG, Inc., dba Affordable Plumbing Pros.

PLEASE SEE AGENDA ITEM 11J IN THE PACKET

K. First Read of the March 2018 Board Policy Revisions for sections:

BP 1312.3/AR 1312.3-*Uniform Complaint Procedures*
AR 3230-*Federal Grant Funds*
AR 3514.2-*Integrated Pest Management*
BP 3551-*Food Service Operations/Cafeteria Fund*
AR 3551- *Food Service Operations/Cafeteria Fund*
BP 3553/AR 3553-*Free and Reduced Price Meals*
BP 4111/4211/4311-*Recruitment and Selection*
BP 4119.11/4219.11/4319.11/AR 4119.11/4219.11/4319.11-*Sexual Harrasment*
AR 4161.1/4361.1-*Personal Illness/Injury Leave*

AR 4161.8/4261.8/4361.8-*Family Care and Medical Leave*
AR 4261.1-*Personal Illness/Injury Leave*
BP 5022/AR 5022-*Student and Family Privacy Rights*
BP 5145.6/E 5145.6-*Parental Notifications*
BP 6162.5-*Student Assessment*
BP 6171/AR 6171-*Title I Programs*

It is the recommendation of the District Administration that the Board of Trustees review the policies in sections 1000-6000 of the March 2018 CSBA board policy updates. These policies will be placed on the May agenda for adoption.

PLEASE SEE AGENDA ITEM 11K IN THE PACKET

12. PERSONNEL

A. Consideration of approval of the Superintendent/Principal job description

It is the recommendation of the District Administration that the Board of Trustees approve the Superintendent/Principal job description.

PLEASE SEE AGENDA ITEM 12A IN THE PACKET

B. Consideration of approval of the Assistant Principal job description

It is the recommendation of the District Administration that the Board of Trustees approve the Assistant Principal job description.

PLEASE SEE AGENDA ITEM 12B IN THE PACKET

C. Consideration of approval of the Special Day Class Instructional Assistant job description

It is the recommendation of the District Administration that the Board of Trustees approve the Special Day Class Instructional Assistant job description.

PLEASE SEE AGENDA ITEM 12C IN THE PACKET

13. ITEMS FOR FUTURE CONSIDERATION

A. 2018-2019 LCAP Public Hearing
B. 2018-2019 Budget Public Hearing
C. Middle School Task Force Recommendations

14. FUTURE MEETINGS

A. May 15, 2018 at 6:00 p.m., Regular Board Meeting

15. ADJOURNMENT

Time: _____

In accordance with requirement of the Americans with Disabilities Act and related federal regulations, individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent's office at least two days before the meeting.

Official Minutes of the March 20, 2018 Regular Board Meeting of the Board of Trustees of the Mesa Union School District

Call to Order	The March 20, 2018, Regular Meeting of the Board of Trustees of the Mesa Union School District came to order at 6:00 p.m. in the multi-purpose room.
Agenda	Board agenda was by adopted by common consent.
Roll Call	Board members present were Tonya Brunett, Mary Crull, Carolyn Rodriguez-Quddus, Bryan Stotko. Steven Sullivan was absent. District administrators present were Mr. Turner, superintendent, Erica Magdaleno, executive assistant, Dr. Stephen Bluestein, principal, and Tami Peterson, chief business officer.
Public Comment	There were no public comments on closed session items.
Closed Session	At 6:01 p.m., Trustee Stotko asked for public comment on closed session items. Hearing none, he announced that the Board would go into closed session to discuss Personnel as authorized by Government Code §54957 as it relates to personnel needs for the 2018-2019 school year, Negotiations as it relates to MUST authorized by Government Code section §3549.1, Conference with Legal Counsel regarding Existing Litigation California Department of Education Case Matter No. 2018-0035 authorized by Government Code section 54956.9, and discuss Public Employee Discipline/Dismissal/Release authorized by Government Code section 54957. Trustee Sullivan arrived to Closed Session at 6:05 p.m.
Reconvene to Open Session	At 6:34 p.m., the Board of Trustees returned to open session. Trustee Stotko reported that the Board of Trustees had just returned from closed session where they discussed Personnel as authorized by Government Code §54957 as it relates to personnel needs for the 2018-2019 school year and Negotiations as it relates to MUST authorized by Government Code section §3549.1. No action was taken. Trustee Stotko announced that the Board will be returning to closed session to conference with Legal Counsel regarding Existing Litigation California Department of Education Case Matter No. 2018-0035 authorized by Government Code section 54956.9, and discuss Public Employee Discipline/Dismissal/Release authorized by Government Code section 54957 after the Regular Board Meeting.
Pledge of Allegiance	The Pledge of Allegiance was led by student Benjamin Dykes.
Minutes	The minutes of the Regular Board Meeting of February 20, 2018 were approved by common consent.
Public Comments	Trustee Stotko asked for public comments. Mr. Stephen Chadbourne communicated that he would like to address the Board regarding school safety. Mr. Chadbourne agreed to postpone his comments until the Superintendent's report.

Official Minutes of the March 20, 2018 Regular Board Meeting of the Board of Trustees of the Mesa Union School District

Recognitions

Mr. Turner, with the assistance of Dr. Bluestein, recognized Mesa Moments recipients Jim and Kathy Bovard with Fillmore Rental Equipment, Daniel Pinedo, and Eliseo Puga. Jim and Kathy were unable to attend.

Mr. Turner also recognized Dhilan Patel, Mesa Union's 2017-2018 Spelling Bee Champion, and Ventura County Special Programs Spelling Bee participants Stephanie Romero, Leidi Aguilar, and Stacy Larios.

Mr. Turner, with the assistance of Mrs. Michele Waggoner, recognized Christina Jahr and Patrice McKenna as the Tri-County GATE Award recipients. Amy Catlett, Christina Jahr, Kelsey White, Adell Reyes, Robin Webster, Olivia Ford, Kim Kuklenski, and Sara Hocamp were also recognized as GATE Certification recipients.

At 7:00 p.m., Trustee Stotko announced that the Board would take a short recess.

At 7:02 p.m., the Board reconvened to open session.

Public Hearing

Trustee Stotko opened the public hearing at 7:02 p.m. for the purpose of taking public comments on the AB 1200 collective bargaining agreement with Mesa Union Support Team (MUST). There were no public comments.

Trustee Stotko closed the public hearing at 7:03 p.m.

Superintendent's Report

Farm to School Program: Sixth grade students Rhea Moore, Benjamin Dykes, Jason Mejia, and Jake Recharte provided a presentation on the Farm to School Program. The program will support the implementation of harvest of the month, which will feature a locally grown fruit or vegetable each month.

School Bond Feasibility: Updated information was provided regarding the feasibility of Mesa Union School District obtaining a school bond. Based on the assessed value, the District has the ability to secure up to $10.5 million for facility improvements.

Trustee Burnett recommended that the bond proposal include a specific list of facility improvements. This may encourage voters to approve the proposed bond. The Board agreed the importance of communicating the needs assessment with all stakeholders would increase the success of the bond's approval.

School Safety Project: Areas of safety concern were presented to the Board. Mr. Turner communicated that a couple of safety concern areas include the school point of entry, kindergarten area, and the junior high locker rooms.

Trustee Sullivan admittedly disagreed with the need to identify the school's point of entry, kindergarten area, and the junior high locker rooms as areas of safety concern. Trustee Sullivan also disagreed with the need to install additional fencing and gates. Trustee Sullivan expressed there is no data supporting that the addition of fencing will make Mesa safer.

Mr. Stephen Chadbourne, as a public speaker, advocated for improvements in school safety, which includes the installation of fencing, gating, professional development for students, staff and teachers.

Monthly Attendance Report: An update of the monthly attendance report was provided. The overall attendance for the month of February was 94.22%. It was also reported that for the month of February there were 2 out of school suspensions and 1 in school suspension.

Board Reports and Communications

Board members' correspondence: Trustee Sullivan communicated that he attended a Ventura County Committee meeting on School District Organization. The meeting focused on Ventura Unified School District's desire to change the election system from an at-large electoral system to a by-trustee area election system.

Board members' reports and communication: None

Board members' interests and concerns: None

Consent Agenda

Consent Agenda:
Purchase Orders $11,121.24
Checks Totaling $645,229.51
Fund Balances
Enrollment 621
Student of the Month, Junior High Award,and Junior High Honor/Merit Roll Listing

The consent agenda was adopted by common consent.

Information
GVCS 2nd Interim Report

The Board of Trustees acknowledged receipt of the Golden Valley Charter School Second Interim Report.

Action Discussion Items
MUST Tentative Agreement

On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 5-0-0 vote, the proposed collective bargaining agreement with Mesa Union Support Team(MUST) for the period of July 1, 2017-June 30, 2020 was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: 5 Noes: **0** Abstentions: **0** Absent: **0**

Salary Increase for Unrepresented Classified Staff

On motion of Trustee Brunett, seconded by Trustee Rodriguez-Quddus, and carried with a 5-0-0 vote, the off-schedule salary increase of 2%, and an on-schedule salary increase of 1% for the unrepresented classified position of Executive Assistant, retroactive to July 1, 2017, was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: 5 Noes: **0** Abstentions: **0** Absent: **0**

Resolution #17-18-09 Regarding Layoff of Classified Personnel

On motion of Trustee Rodriguez-Quddus, seconded by Trustee Brunett, and carried with a 5-0-0 vote, Resolution #17-18-09 Regarding Layoff of Classified Personnel was adopted.
Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: 5 Noes: **0** Abstentions: **0** Absent: **0**

Mesa Union School Single Plan for Student Achievement

On motion of Trustee Brunett, seconded by Trustee Rodriguez-Quddus, and carried with a 5-0-0 vote, the Mesa Union Single Plan for Student Achievement was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

Dr. Bluestein provided a brief presentation of the Single Plan for Student Achievement and was excited to communicate that next year Mesa will be offering Saturday school for students in need of intervention.

Letter of Engagement from Clifton, Larson and Allen, LLP

On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 5-0-0 vote, the Letter of Terms of Engagement from Clifton, Larson and Allen, LLP for services provided for the year ending June 30, 2018 was accepted.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

MOU with Oxnard College

On motion of Trustee Rodriguez-Quddus, seconded by Trustee Brunett, and carried with a 5-0-0 vote, the Memorandum of Understanding (MOU) with Oxnard College for the purpose of developing a partnership to collaboratively support the K-9 Acabado STEM project was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

California Sums Initiative Agreement

On motion of Trustee Brunett, seconded by Trustee Rodriguez-Quddus, and carried with a 5-0-0 vote, the California Sums Initiative: Scaling up Multi-Tiered System of Supports (SUMS) Statewide Grant Local Education Agency Agreement was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

Memorandum of Understanding with Golden Valley Charter School

On motion of Trustee Rodriguez-Quddus, seconded by Trustee Brunett, and carried with a 5-0-0 vote, the Memorandum of Understanding (MOU) with Golden Valley Charter School was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

Mainstreet Architects & Planners, Inc.

On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 4-1-0 vote, the service agreement with Mainstreet Architects & Planners, Inc was approved.
Vote:
Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Nay**
Ayes: **4** Noes: **1** Abstentions: **0** Absent: **0**

Superintendent's employment contract

On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 4-1-0 vote, the renewal terms of the Superintendent's employment contract for the period of July 1, 2018-June 30, 2021 was approved.

Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Nay**
Ayes: **4** Noes: **1** Abstentions: **0** Absent: **0**

Discussion of Administrative position

The Board of Trustees discussed the administrative position options.

On motion of Trustee Sullivan, seconded by Trustee Brunett, and carried with a 1-4-0 vote, the administrative option to maintain the current leadership model and continue employing a Superintendent and Principal failed.

Vote:

Brunett: **Nay** Crull: **Nay** Rodriguez-Quddus: **Nay** Stotko: **Nay** Sullivan: **Aye**
Ayes: **1** Noes: **4** Abstentions: **0** Absent: **0**

On motion of Trustee Crull, seconded by Trustee Brunett, and carried with a 4-1-0 vote, the administrative option to create a Superintendent/Principal position and create an Assistant Principal position was approved.

Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Nay**
Ayes: **4** Noes: **1** Abstentions: **0** Absent: **0**

Mr. Turner was directed to move forward with the process to create a Superintendent/Principal position and an Assistant Principal position.

Field Trip Request

On motion of Trustee Brunett, seconded by Trustee Rodriguez-Quddus, and carried with a 5-0-0 vote, the Kindergarten field trip request to Santa Barbara Zoo on May 18, 2018 was approved.

Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

On motion of Trustee Brunett, seconded by Trustee Rodriguez-Quddus, and carried with a 5-0-0 vote, the Full STEAM Ahead field trip request to Santa Cruz Island on April 7, 2018 was approved.

Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

Board Policy Adoption

On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 5-0-0 vote the board policy revisions in sections 0000-5000 of the December 2017 CSBA board policy updates were adopted.

Vote:

Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye**
Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**

Obsolete Equipment	On motion of Trustee Rodriguez-Quddus, seconded by Trustee Brunett, and carried with a 5-0-0 vote, the discarding of the obsolete equipment list was approved. **Vote:** Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye** Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**
Revised Certificated Salary Schedule	On motion of Trustee Rodriguez-Quddus, seconded by Trustee Brunett, and carried with a 5-0-0 vote, the revised certificated salary schedule was approved. **Vote:** Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye** Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**
Personnel	On motion of Trustee Brunett, seconded by Trustee Crull, and carried with a 5-0-0 vote, the resignation of Erika Muhlitner, Elementary Teacher, effective July 1, 2018, was accepted. **Vote:** Brunett: **Aye** Crull: **Aye** Rodriguez-Quddus: **Aye** Stotko: **Aye** Sullivan: **Aye** Ayes: **5** Noes: **0** Abstentions: **0** Absent: **0**
Future Items	Local Control Accountability Plan
Future Meeting	April 17, 2018, at 6:00 p.m., Regular Board Meeting
Adjournment	There being no further items of business, the Board adjourned at 8:27 p.m. Trustee Stotko announced that the Board will be returning to closed session to conference with Legal Counsel regarding Existing Litigation California Department of Education Case Matter No. 2018-0035 authorized by Government Code section 54956.9, and discuss Public Employee Discipline/Dismissal/Release authorized by Government Code section 54957. At 8:55 p.m., the Board of Trustees returned to open session. Trustee Stotko reported that the Board of Trustees had just returned from closed session where they conferenced with Legal Counsel regarding Existing Litigation California Department of Education Case Matter No. 2018-0035 authorized by Government Code section 54956.9, and discussed Public Employee Discipline/Dismissal/Release authorized by Government Code section 54957. No action taken. There being no further items of business, the Board adjourned at 8:56 p.m.

Superintendent's Report

May 1, 2018

SCHOOL
BONDS

Mesa Union School District

Facilities Needs Presentation

District Overview

Nearly 80 years of educating Mesa kids

Mesa Union School District

- Mesa Union School District has served the children and families in this area since 1939, when Del Norte School District and Center School District merged to form one district.
- The original school consisted of three buildings and the custodian's home. Three teachers taught 68 students. As the number of students increased, the school facilities grew.
- In 1951, two new classrooms, a cafeteria, and office were added; two additional rooms were constructed in 1956. Six additional classrooms were added in 1964, followed by six more in 1968.
- With the advent of class size reduction, four new classrooms were added in 1997 and 1998.
- Mesa School has served the community well, but is showing its age.

While Our School Looks Good on the Outside…

…It Was First Built in 1939, Almost 80 Years Ago.

Antiques Road Show

Antique fixtures show just how old the site is.

Outdated HVAC systems

Antiquated facilities and fixtures

Antiques Road Show

Antique fixtures show just how old the site is.

Mesa Union School District

So if our fixtures and equipment are antiques, how about our infrastructure?

Site Facility Needs

50-70 year old infrastructure needs to be renovated

Mesa Union School District

Old HVAC units need to be replaced with energy efficient models

Floors need repairing

Site Facility Needs

Basic infrastructure improvements must be made

Mesa Union School District

Electrical systems must be upgraded

Deteriorating plumbing systems must be replaced

Site Facility Needs

Health and safety improvements must be made

Mesa Union School District

Dry rot buildings need to be renovated

Cracked surfaces need to be repaired

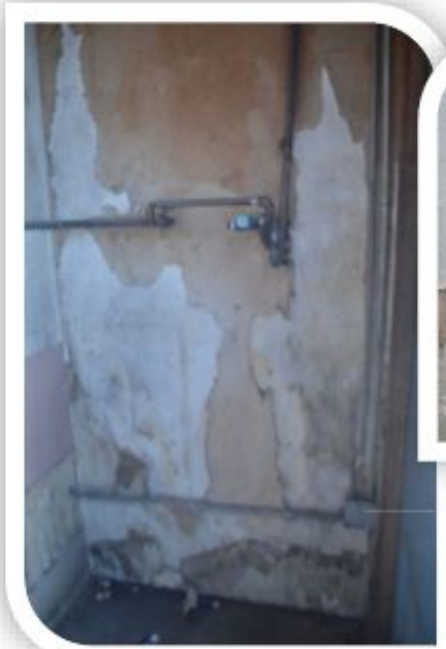
Damaged floors must be replaced

Site Facility Needs

Aging facilities need to modernized

Mesa Union School District

Restrooms need to be modernized

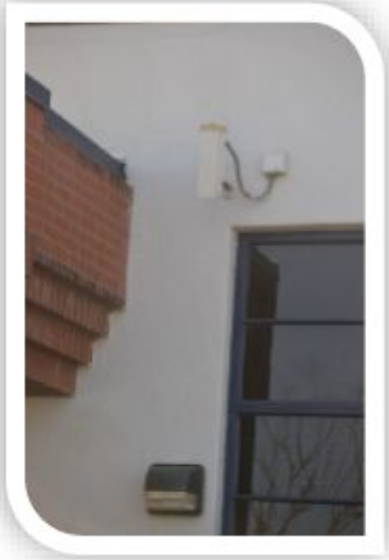


Dilapidated buildings need more than simple patching

Site Facility Needs

Safety, security, and ADA improvements are needed

Mesa Union School District



Improvements to security cameras

Reorienting the access points to the campus should be made

Site Facility Needs

Windows and doors need replacing/repairing

Mesa Union School District

School facilities need repairs

Old windows need to be replaced

Site Facility Needs

Building exteriors need major renovation

Mesa Union School District

Wood rot and deteriorating exteriors need attention

Needs and Cost to Modernize, and Renovate the Existing School

Modernizing the Current School

What would Somis School look like

Mesa Union School District

	Priority # 1	Priority # 2	Priority # 3
NEEDS A - Campus Repairs and Improvements	$ 5,647,499	$ 1,362,744	$ 1,497,605

Priority # 1

- Campus wide repairs and ADA upgrades
- Ongoing repair and replacement of failing site utility systems
- Upgrade casework to ADA Requirements
- Replace failing exterior and interior doors and hardware
- Replace/upgrade failing windows
- Ongoing roofing repairs
- Replace aging/worn flooring and ceilings
- Upgrade restrooms at Kindergarten classroom area
- Upgrade Kitchen equipment
- Replace heating systems at Kindergarten classrooms
- Repair and upgrade electrical systems
- Repair and improve campus telephone and data system infrastructure
- Repave asphalt fire lanes and playground areas
- Replace/upgrade playstructure and rubber play surface
- Replace and upgrade athletic equipment
- Add (2) new relocatable classrom buildings to accommodate growth

Priority # 2

- Replace and upgrade student and staff furnishings
- Replace and upgrade instructional and curriculum equipment
- Repair/Replace Heating Systems Classroom Wings C,D,E and Cafeteria
- Repair turf playgrounds
- Install skate deterrents at site walls
- New shade structure/outdoor dining
- Replace lunch tables
- New DG running track

Priority # 3

- Remove Existing Heat Only Systems at Classrooms and Replace with Heat and Air Conditioning Systems

Modernizing the Current School

What would Somis School look like

Mesa Union School District

NEEDS B - Campus Safety and Security		$ 1,011,430	$ 180,000	$ -
Priority # 1				
Increase/upgrade campus security fencing				
Increase security camera coverage				
Provide access control door hardware				
Campus security system/monitoring				
Priority # 2				
Exterior PA System Speakers				
Subtotal Estimate Costs		$ 6,658,929	$ 1,542,744	$ 1,497,605
Soft Costs	25%	$ 1,664,732	$ 385,686	$ 374,401
Architect, Engineer, DSA Fees, Inspection and Testing Fees, Consulting/Construction Management Fees				
TOTAL ESTIMATED AMOUNT PER PRIORITY		$ 8,323,661	$ 1,928,430	$ 1,872,006
TOTAL ESTIMATED AMOUNT ALL PRIORITIES				$ 12,124,096

Note; Analysis of campus needs based upon site evaluation, staff, parent and administration input, Ventura County Schools Self Funding site safety inspections reports, health department reports and AHERA report

Sources of Funding

New G.O. Bond Program

State Modernization Matching Funds

Developer Fees

New G.O. Bond Program

District can generate between $6.7 million - $10.5 million

Mesa Union School District

Mesa ESD Bond Proceeds at Varying Tax Rates [1]				
Tax Rate per $100,000	Series A 2019	Series B 2021	Series C 2024	Total Bond Proceeds
$19.00	$2,200,000	$2,100,000	$2,400,000	$6,700,000
$25.00	$2,900,000	$2,800,000	$3,100,000	$8,800,000
$30.00	$3,500,000	$3,300,000	$3,700,000	$10,500,000

(1) Assumes AV growth of 3.50% and 30 year bond terms; Preliminary – Subject to change

Source: Isom Advisors

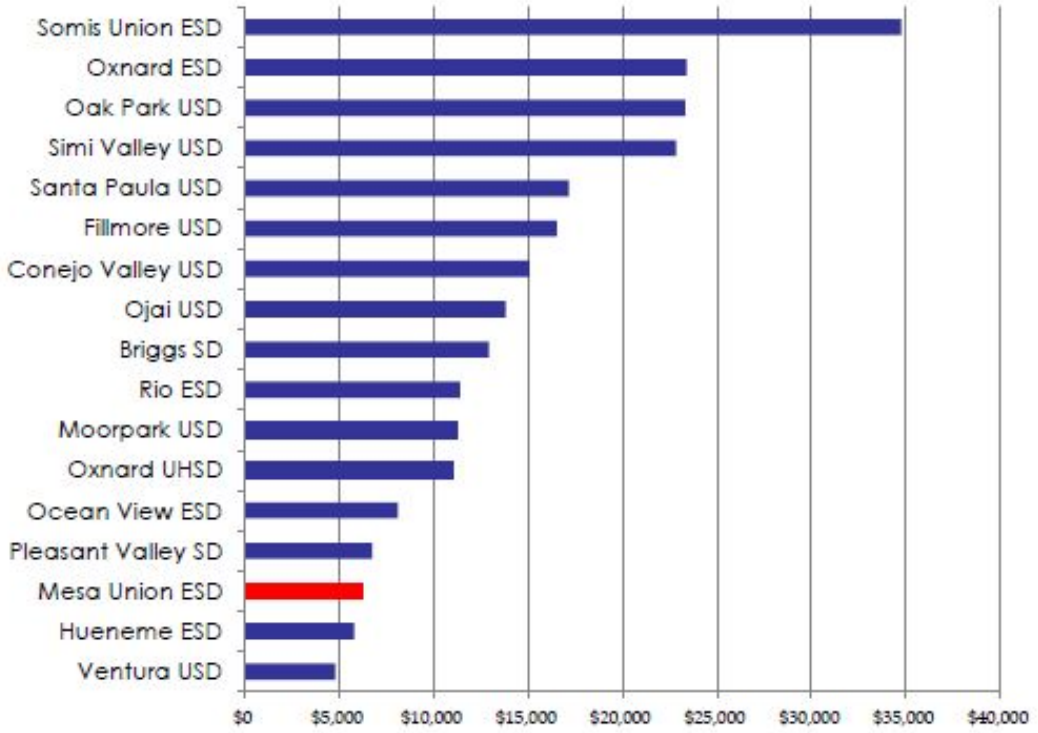
- With projected annual assessed value growth of 3.50%, the District can generate up to $10.5 million
- At more aggressive growth rates or a longer bond program, the District could generate up to $12.0 million
- Depending on tax rate selected and assessed value assumptions, District can generate significant proceeds

G.O. Bond History and Context

Bond Dollars Passed Per Student

Mesa Union School District

- In 2002, District voters approved a $3.9 million bond at 64.6% voter approval, and in 2008, District voters approved a $4.0 million bond at 61.0% voter support
- The average bond dollar passed per student for Ventura County K-12 school districts is $14,407; **Mesa Union School District is $6,191**



G.O. Bond History and Context

Tax Rates of Mesa and Ventura County districts

Mesa Union School District

- Mesa Union has passed two bonds in its history
- Many districts in Ventura County have passed three, four, or even five measures
- Several districts are on the June ballot with a measure including Oxnard HSD, Hueneme ESD, and Pleasant Valley ESD

School District	Bonds Passed	2017-18 Tax Rate	High/ Elementary Combined
Oxnard HSD (1)	2	$28.70	
Oxnard ESD	5	$83.70	$112.40
Hueneme ESD (1)	4	$63.40	$92.10
Ocean View ESD	3	$53.20	$81.90
Rio ESD	2	$47.00	$75.70
Pleasant Valley ESD (1)	1	$20.30	$49.00
Santa Paula USD	1	$58.60	
Santa Paula HSD	2	$29.40	
Mesa Union ESD	2	$52.00	$81.40
Briggs ESD	2	$49.20	$78.60
Santa Paula ESD	1	$36.70	$66.10
Somis ESD	1	$29.20	$58.60
Fillmore USD	4	$166.30	
Oak Park USD	3	$148.00	
Simi Valley USD	3	$79.10	
Moorpark USD	2	$65.40	
Ojai USD	2	$49.10	
Ventura USD	1	$24.50	
Conejo Valley USD	2	$21.30	

Timeline and Next Steps

Key next steps

Mesa Union School District

Task	Responsible Party	Date
Prepare/Revise Facilities Needs' Analysis	District/Architect	Complete
Board Meets to approve exploring feasibility for a GO Bond	**District**	**April**
Initiate public information program, speaking with elected officials, large taxpayers, community service groups to discuss proposed measure	District/Consultant	April - June
Conduct survey	**Consultant**	**April**
Present tracking poll results to the Board	**Consultant**	**May**
Finalize Capital and Financing Plan	Consultant	May
Prepare Resolution Calling Election, including Ballot Language, Project List, and Tax Rate Statement	Consultant/Bond Counsel	June
Board Meeting - Board action to adopt Resolution Calling Election	**District**	**June**
Deadline to submit to county Resolution Calling Election and Tax Rate Statement	**District**	**August 10th**
Prepare Argument in Favor of Measure	Consultant/District	August
Submit Argument in Favor of Measure	Consultant/District	August
Form campaign committee and conduct campaign kick-off meeting	Campaign Committee	August
Run campaign	Campaign Committee	Aug. – Nov .
Election Day		November 6, 2018

Questions and Feedback

Growing the Middle School

Mesa Union's current enrollment structure allows for 3 classes of up to 26 kindergarteners to be enrolled each year.

When those 78 students enter fourth grade, class sizes increase to an average of 32 students.

As those students progress to the middle school, class size has the potential to increase to 39 students per class.

The Benefits of Growth...

- Incremental growth fits within Mesa Union's Vision, Mission and Core Values.
- It addresses the District's enrollment structural challenges while preserving the Mesa Way!
- It enables the District to lower class sizes in grades 6-8 from 36 or 37 students per class to 30 students.
- It provides financial resources to sustain current programming and the opportunity to expand electives.

Why should we invest now?

- Expansion is only possible within a bond measure setting as the initial investment would be up to a million dollars.
- Student enrollment trends support growth.
- We have already begun the transition to three sections or classes in 6th grade. Students, families and teachers have already benefited from smaller class sizes.

Plan for Growth

With the successful passage of a school bond, classrooms could be in place by the 2019-2020 school year.

In 2019-2020, expansion to three sections or classes of 6th and 7th grade would begin.

In 2020-2021, three sections of grades 6-8 would be offered.

After School Programming

Is it time to bring our Full STEAM Ahead After School Program home?

Program Overview

Currently, Mesa Union School District partners with Ventura County Office of Education to provide after school programming for students in grades 2-8.

Benefits to the District

- **Local control provides for flexibility in programming, develops stronger connections between the regular school day and after school programming, and increases staff ownership of the program.**

Benefits to the District

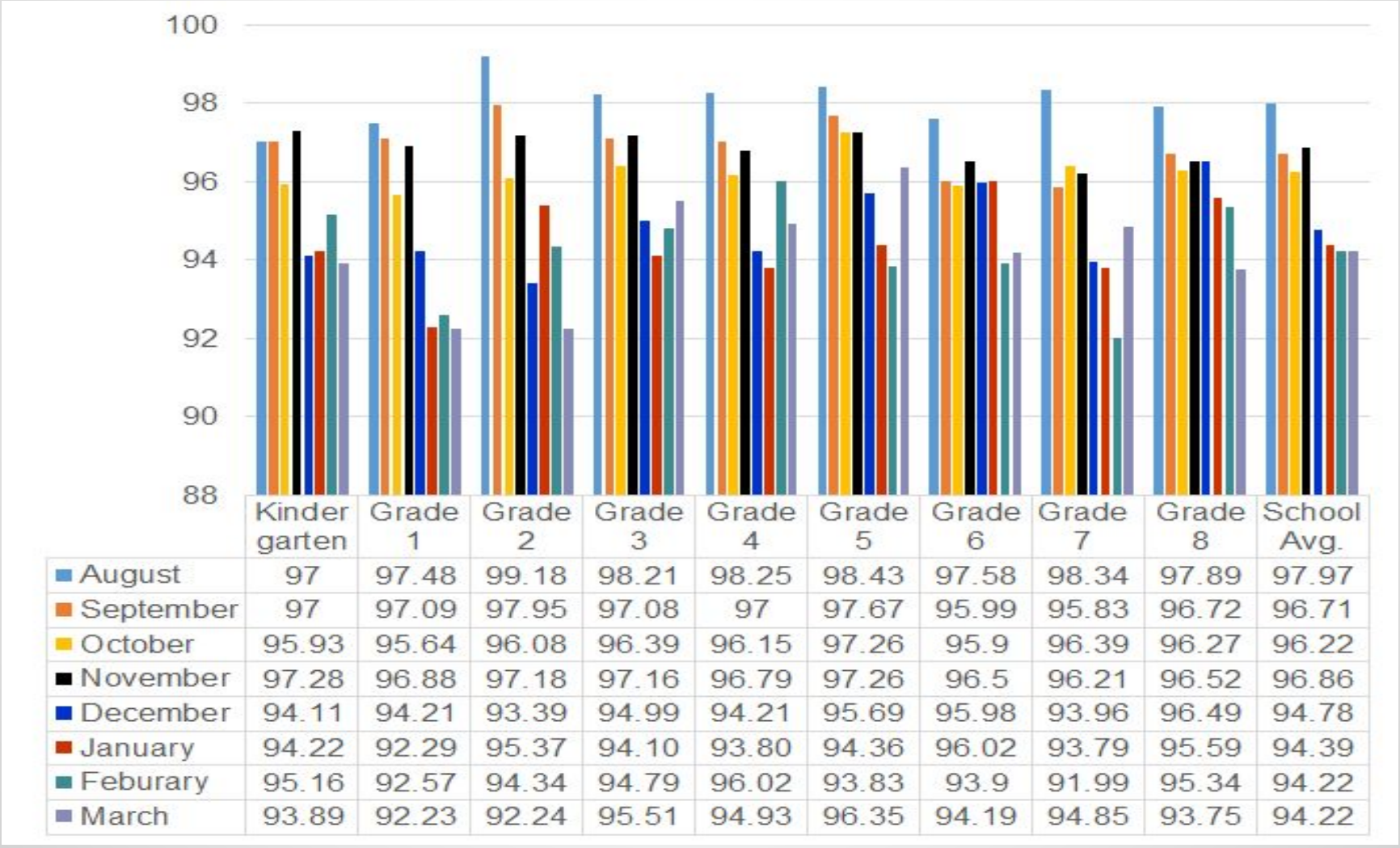
- **Cost savings enable the District to explore grade level expansion or to address other program needs.**

- **Creates classified jobs within our district.**

Next Steps….

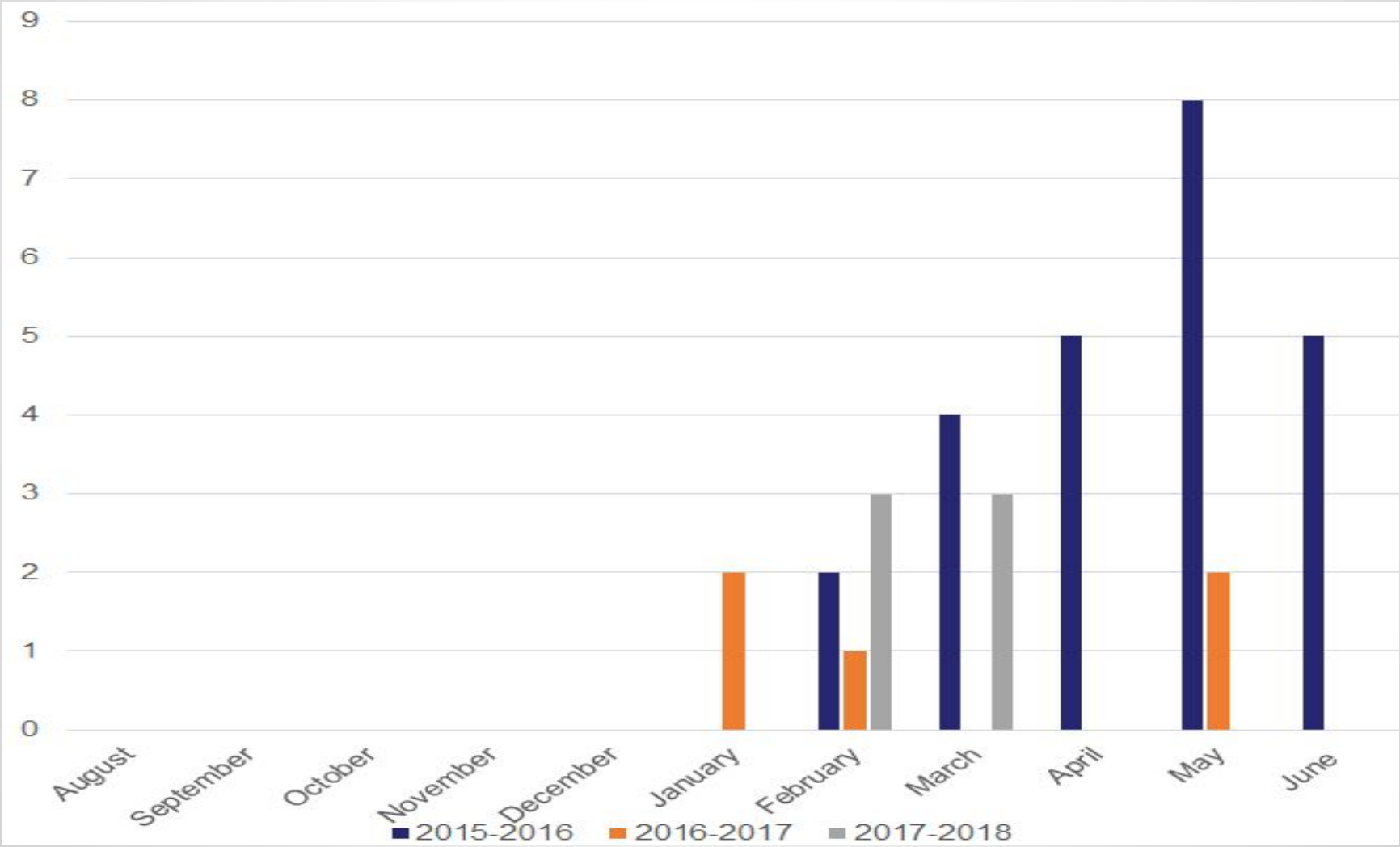
- Seek Trustee direction
- Develop after school program personnel job descriptions
- Develop program instructional design and budget

Monthly Attendance Report

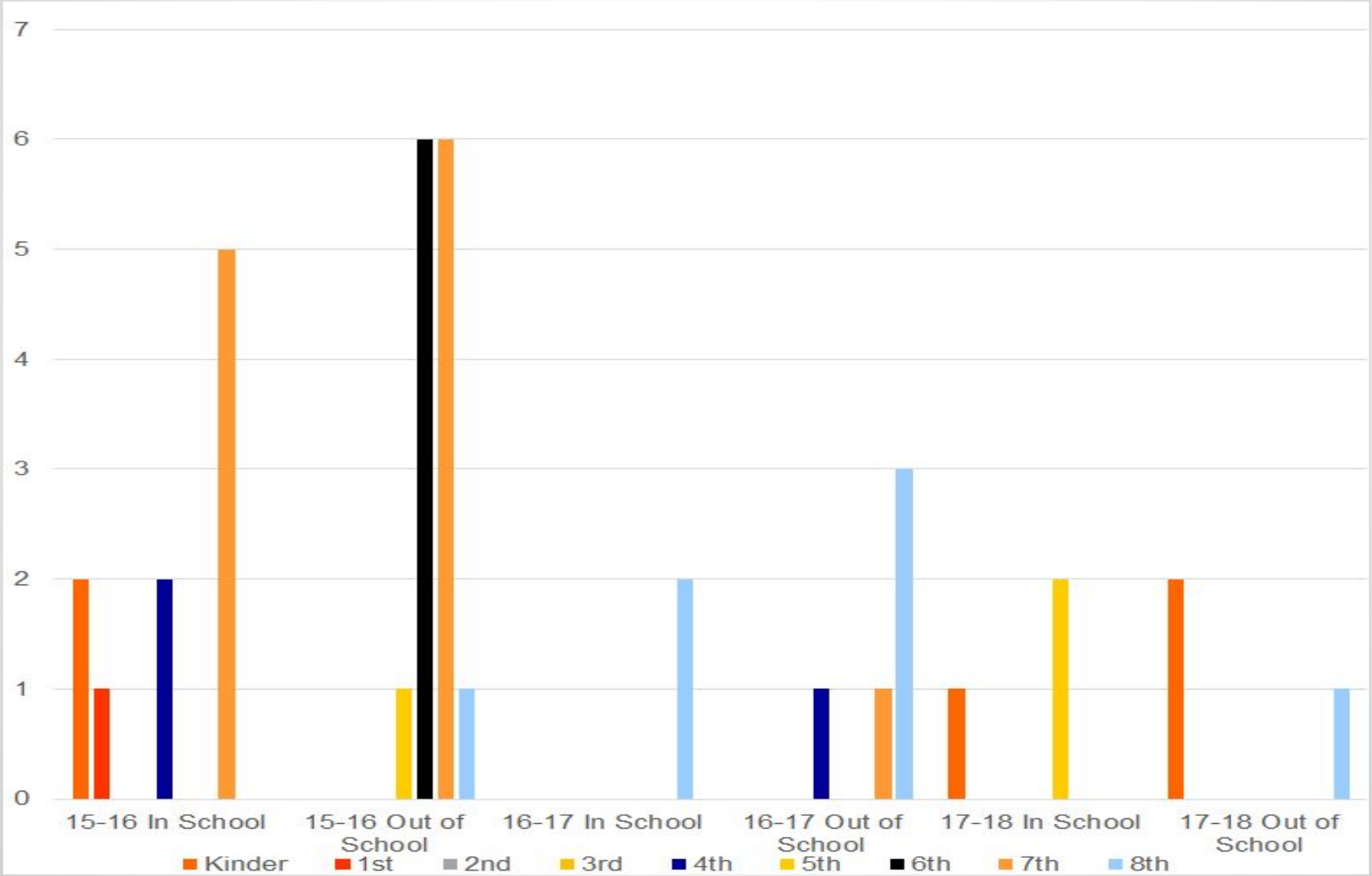


	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	School Avg.
August	97	97.48	99.18	98.21	98.25	98.43	97.58	98.34	97.89	97.97
September	97	97.09	97.95	97.08	97	97.67	95.99	95.83	96.72	96.71
October	95.93	95.64	96.08	96.39	96.15	97.26	95.9	96.39	96.27	96.22
November	97.28	96.88	97.18	97.16	96.79	97.26	96.5	96.21	96.52	96.86
December	94.11	94.21	93.39	94.99	94.21	95.69	95.98	93.96	96.49	94.78
January	94.22	92.29	95.37	94.10	93.80	94.36	96.02	93.79	95.59	94.39
Feburary	95.16	92.57	94.34	94.79	96.02	93.83	93.9	91.99	95.34	94.22
March	93.89	92.23	92.24	95.51	94.93	96.35	94.19	94.85	93.75	94.22

Monthly Suspension Report



Suspension Report 2015-2018



Administration
5189 Verdugo Way
Camarillo, CA 93012
805-383-1902 · FAX: 805-383-1908
www.vcoe.org

VENTURA COUNTY OFFICE OF EDUCATION

Stanley C. Mantooth, County Superintendent of Schools

March 13, 2018

Mr. Jeff Turner, Superintendent
Mesa Union Elementary School District
3901 North Mesa School Road
Somis, CA 93066

Dear Mr. Turner:

In accordance with AB 1200 and Government Code Section 3547.5, the Ventura County Office of Education has received a copy of the Disclosure of Collective Bargaining Agreement for the tentative agreement with the Mesa Union Support Team bargaining unit (MUST). This code section allows the County Superintendent to review and comment on the financial impact of proposed agreement. In our review, we assess whether proposed agreements will allow the district to meet its financial obligations in the current fiscal year and are consistent with a financial plan that will enable the district to satisfy its multi-year financial commitments.

We have reviewed the proposed agreement dated March 9, 2018. Based upon the data presented, it appears that the terms of the tentative agreement would allow the district to meet its financial obligations. However, it is important to remember that budget assumptions will change over time, and those changes could impact the agreements' effect on the financial condition of the district.

In accordance with AB 2756, please provide our office with a copy of the board minutes that includes the approval of the agreement to School Business Advisory Services as soon as possible. In addition, please forward any corresponding board-approved budget revisions needed to implement the agreement as soon as those documents are available.

Sincerely,

Stanley C. Mantooth
Ventura County Superintendent of Schools

cc: Tami Peterson, Ventura County Schools Business Services Authority
Misty Key, Ventura County Office of Education
Paula Driscoll, Ventura County Office of Education

Includes Purchase Orders dated 03/01/2018 - 03/31/2018

PO Number	Vendor Name	Order Location	Object Description	Resource Description	Account Amount
P0318-00342	AMAZON.COM	MESA UNION	Othr Books	LotteryIM	540.56
P0318-00343	DANIELS TIRE SERVICE	MESA UNION	Mat'ls/Sup	Transportation	936.34
			RntRprNCap	Transportation	176.00
P0318-00344	BANK OF AMERICA	MESA UNION	Mat'ls/Sup	Unrestrict	71.21
P0318-00345	CENTRAL RESTAURANT PRODUCTS	MESA UNION	Equipment	CNP-Equip	6,113.25
P0318-00346	APPERSON	MESA UNION	Mat'ls/Sup	Unrestrict	54.95
P0318-00347	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	132.40
P0318-00348	MJP TECHNOLOGIES, INC	MESA UNION	Prof Svc	Unrestrict	95.00
P0318-00349	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	335.00
P0318-00350	SYSCO VENTURA, INC	BUSINESS SER	Mat'ls/Sup	Unrestrict	86.58
P0318-00351	MJP TECHNOLOGIES, INC	MESA UNION	NonCapEqui	Unrestrict	1,863.37
P0318-00352	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	13.25
P0318-00353	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	17.43
P0318-00354	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	190.06
P0318-00355	DRUIDE INFORMATIQUE INC	MESA UNION	Prof Svc	Supp/Conc	560.00
P0318-00356	LAS VIRGENES USD	MESA UNION	STAFF DEV	Unrestrict	75.00
P0318-00357	VTA CNTY OFFICE OF EDUCATION	MESA UNION	STAFF DEV	NCLBIIPrtA	50.00
P0318-00358	MJP TECHNOLOGIES, INC	MESA UNION	NonCapEqui	NCLBIPartA	626.85
P0318-00359	SCHOOL SPECIALTY, INC	MESA UNION	Mat'ls/Sup	Unrestrict	138.31
P0318-00360	MJP TECHNOLOGIES, INC	MESA UNION	RntRprNCap	Unrestrict	4,182.75
P0318-00361	NICK RAIL MUSIC	MESA UNION	Mat'ls/Sup	Unrestrict	75.08
P0318-00362	BANK OF AMERICA	MESA UNION	Mat'ls/Sup	Unrestrict	96.98
P0318-00363	AFFORDABLE PLUMBING PROS	MESA UNION	RntRprNCap	Unrestrict	1,995.91
P0318-00364	AFFORDABLE PLUMBING PROS	MESA UNION	RntRprNCap	Unrestrict	2,976.81
P0318-00365	AFFORDABLE PLUMBING PROS	MESA UNION	RntRprNCap	Unrestrict	1,299.06
P0318-00366	MUSICIANS BRASS & WOODWIND	MESA UNION	Mat'ls/Sup	Unrestrict	324.25
P0318-00367	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	430.50
P0318-00368	DURHAM SCHOOL SERVICES	MESA UNION	Prof Svc	Unrestrict	1,036.18
P0318-00369	SCHOOL FURNITURE DEPOT	MESA UNION	Mat'ls/Sup	Unrestrict	1,412.68
P0318-00370	VTA CNTY OFFICE OF EDUCATION	BUSINESS SER	Internet	Unrestrict	33,100.00
			OtherLocal	Unrestrict	23,170.00-
P0318-00371	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	53.57
P0318-00372	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	128.66
P0318-00373	AMAZON.COM	MESA UNION	Othr Books	Unrestrict	213.28
P0318-00374	AMAZON.COM	MESA UNION	Othr Books	Unrestrict	210.32
P0318-00375	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	26.75
P0318-00376	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	214.54
P0318-00377	MARK-IT PLACE	MESA UNION	Mat'ls/Sup	Unrestrict	114.73
P0318-00378	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	24.90
P0318-00379	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	16.58
P0318-00380	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	15.00

The preceding Purchase Orders have been issued in accordance with the District's Purchasing Policy and authorization of the Board of Trustees. It is recommended that the preceding Purchase Orders be approved and that payment be authorized upon delivery and acceptance of the items ordered.

ESCAPE ONLINE

Includes Purchase Orders dated 03/01/2018 - 03/31/2018

PO Number	Vendor Name	Order Location	Object Description	Resource Description	Account Amount
P0318-00381	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	23.85
P0318-00382	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	19.78
P0318-00383	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	66.40
P0318-00384	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	26.76
P0318-00385	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	53.00
P0318-00386	BUSINESS SERVICES AUTHORITY	MESA UNION	Prof Svc	Unrestrict	619.56
P0318-00387	FRANCISCO RAMOS TREE SERVICE	MESA UNION	RntRprNCap	Unrestrict	3,500.00
P0318-00388	PLEASANT VALLEY SCHOOL DIST	MESA UNION	Prof Svc	SpecialEd	24,558.69
P0318-00389	BANK OF AMERICA	MESA UNION	Mat'ls/Sup	Unrestrict	137.50
P0318-00390	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	152.52
P0318-00391	AMAZON.COM	MESA UNION	Mat'ls/Sup	Unrestrict	164.02
		Total Number of POs	**50**	**Total**	**66,176.17**

Fund Recap

Fund	Description	PO Count	Amount
010	General Fund	49	60,062.92
130	Cafeteria Fund	1	6,113.25
		Total	**66,176.17**

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ESCAPE ONLINE

Includes Purchase Orders dated 03/01/2018 - 03/31/2018

PO Changes

	New PO Amount	Fund/ Object	Description	Change Amount
B0318-00007	2,500.00	130-5600	Cafeteria Fund/RntRprNCap	430.83
B0318-00009	3,800.00	010-5600	General Fund/RntRprNCap	300.00
B0318-00022	12,000.00	010-4300	General Fund/Mat'ls/Sup	1,070.24
B0318-00039	57,126.00	010-5899	General Fund/Legal	7,868.00
B0318-00043	2,500.00	010-5600	General Fund/RntRprNCap	85.99-
B0318-00054	11,000.00	010-5800	General Fund/Prof Svc	3,000.00
B0318-00056	14,646.87	010-6500	General Fund/EquipRplac	34,176.02-
B0318-00058	363,065.00	010-7221	General Fund/TsfrAppt D	32,910.00-
B0318-00066	6,000.00	010-4300	General Fund/Mat'ls/Sup	1,539.91
			Total PO Changes	**52,963.03-**

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Checks Dated 03/01/2018 through 03/31/2018 — **Board Meeting Date 4/17/2018**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
5003811067	03/01/2018	SO CA EDISON CO	010-5502		3,511.58
5003811068	03/01/2018	SO CA GAS CO	010-5501		497.45
5003811069	03/01/2018	OFFICE DEPOT BUSINESS CREDIT	010-4300		886.68
5003811070	03/01/2018	REVOLVING ACCOUNT	010-5800		19.00
5003811071	03/01/2018	Joann Dwork	010-4300		184.96
5003811072	03/01/2018	Jeffery D. Turner	010-5600		120.00
5003811073	03/01/2018	Stephen B. Bluestein	010-4300		78.03
5003811074	03/01/2018	Spencer C. Goad	010-4300		30.60
5003811075	03/01/2018	BUSINESS SERVICES AUTHORITY	010-5803		41,029.00
5003811076	03/02/2018	ALL COMMUNICATIONS	010-5600		120.00
5003811077	03/02/2018	ALTA DENA DAIRY	130-4700		761.86
5003811078	03/02/2018	EMPIRE CLEANING SUPPLY	010-4300		123.44
5003811079	03/02/2018	HOUSE SANITARY SUPPLY	010-4300		460.09
5003811080	03/02/2018	MARK-IT PLACE	010-4300		202.68
5003811081	03/02/2018	MISSION LINEN SUPPLY	130-5600		69.17
5003811082	03/02/2018	MJP TECHNOLOGIES, INC	010-4300		168.38
5003811083	03/02/2018	SCHOLASTIC INC	010-4200		165.00
5003811084	03/02/2018	SYSCO VENTURA	130-4300	133.07	
			130-4700	1,063.23	1,196.30
5003811085	03/02/2018	TARANGO'S DIESEL REPAIR	010-4300	826.37	
			010-5600	905.50	1,731.87
5003811086	03/05/2018	GOLDEN VALLEY CHARTER SCHOOL	010-8096		210,321.00
5003811087	03/05/2018	SYSCO VENTURA	130-4700		268.78
5003811088	03/05/2018	EXCEL LD	010-5901		16.69
5003811089	03/06/2018	AMAZON/SYNCHRONY BANK	010-4300	1,941.74	
			Unpaid Tax	55.64-	1,886.10
5003811090	03/06/2018	MRS FIGS' BOOKWORM	010-4200		175.72
5003811091	03/06/2018	POOLE OIL COMPANY	010-4310		582.90
5003811092	03/07/2018	AMAZON/SYNCHRONY BANK	010-4300		155.31
5003811093	03/08/2018	Irene G. Ramirez	010-4300	70.03	
			010-5903	2.89	72.92
5003811094	03/08/2018	Julee A. Vollmert	010-5200		16.79
5003811095	03/08/2018	Michele N. Waggoner	010-4300		131.13
5003811096	03/08/2018	Spencer C. Goad	010-4300		15.72
5003811097	03/08/2018	BANK OF AMERICA	010-4300		84.10
5003811098	03/09/2018	ALL COMMUNICATIONS	010-5600		120.00
5003811099	03/09/2018	ART N' YOU	010-5800		2,202.26
5003811100	03/09/2018	CAROLINA BIOLOGICAL SUPPLY CO	010-4300		178.08
5003811101	03/09/2018	CHANNING BETE CO, INC	010-4300	281.28	
			Unpaid Tax	17.40-	263.88
5003811102	03/09/2018	COASTAL OCC MED GRP	010-5804		100.00
5003811103	03/09/2018	CONSERV FLAG COMPANY	010-4300		91.46
5003811104	03/09/2018	DIAL SECURITY	010-5800		179.76
5003811105	03/09/2018	EMPIRE CLEANING SUPPLY	010-4300		116.47
5003811106	03/09/2018	GODOY STUDIOS	010-5800		1,050.00
5003811107	03/09/2018	HOUSE SANITARY SUPPLY	010-4300		75.35

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

Checks Dated 03/01/2018 through 03/31/2018 — **Board Meeting Date 4/17/2018**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
5003811108	03/09/2018	JW PEPPER & SON, INC	010-4300		77.56
5003811109	03/09/2018	MISSION LINEN SUPPLY	010-5600	87.59	
			130-5600	49.17	136.76
5003811110	03/09/2018	ORANGE CNTY DEPT OF EDUCATION	010-4300		128.36
5003811111	03/09/2018	RICOH USA, INC	010-4300		11.50
5003811112	03/09/2018	SPARKLETTS	010-5504		47.97
5003811113	03/09/2018	SUPER DUPER PUBLICATIONS	010-4200	742.06	
			Unpaid Tax	50.16-	691.90
5003811114	03/09/2018	SYSCO VENTURA	010-4300	86.58	
			130-4300	160.59	
			130-4700	1,144.62	1,391.79
5003811115	03/09/2018	UNION BANK	511-7434		1,650.00
5003811116	03/09/2018	VCOE-Curriculum & Instruction	010-5220		50.00
5003811117	03/12/2018	DANIELS TIRE SERVICE	010-4300	936.34	
			010-5600	176.00	1,112.34
5003811118	03/12/2018	GREEN THUMB INTL, INC	010-4300		184.70
5003811119	03/12/2018	JEANNE KOOKER	010-4300		240.00
5003811120	03/12/2018	MJP TECHNOLOGIES, INC	010-5800		95.00
5003811121	03/12/2018	SYSCO VENTURA	130-4300	20.54	
			130-4700	47.82	68.36
5003811122	03/13/2018	APPERSON	010-4300		54.95
5003811123	03/13/2018	ATKINSON,ANDELSON,LOYA, et al	010-5899		14,541.20
5003811124	03/13/2018	JW PEPPER & SON, INC	010-4300		497.57
5003811125	03/13/2018	MJP TECHNOLOGIES, INC	010-4300		2,571.10
5003811126	03/13/2018	UNDERWOOD FAMILY FARMS	130-4700		514.49
5003811127	03/13/2018	VCOE-Curriculum & Instruction	010-5220		360.00
5003811128	03/14/2018	GOLDEN VALLEY CHARTER SCHOOL	010-7221		41,411.78
5003811129	03/15/2018	EmpireTherapeutic&CreativeServ	010-5800		845.00
5003811130	03/15/2018	J TAYLOR EDUCATION	010-5220		3,950.00
5003811131	03/15/2018	MISSION LINEN SUPPLY	010-5600	262.77	
			130-5600	49.17	311.94
5003811132	03/15/2018	MJP TECHNOLOGIES, INC	010-4400		1,863.37
5003811133	03/15/2018	STEVENSON'S RESTAURANT SUPPLY	130-4400		1,736.38
5003811134	03/15/2018	SYSCO VENTURA	130-4300	67.76	
			130-4700	839.11	906.87
5003811135	03/16/2018	E.J. HARRISON & SONS, INC	010-5505		95.13
5003811136	03/16/2018	RICOH USA, INC	010-5800		117.77
5003811137	03/16/2018	Michele N. Waggoner	010-4300		45.67
5003811138	03/16/2018	Leticia E. Cousino	010-4300		30.12
5003811139	03/16/2018	Stephen B. Bluestein	010-5200		135.93
5003811140	03/16/2018	MJP TECHNOLOGIES, INC	010-4400		626.85
5003811141	03/16/2018	REVOLVING ACCOUNT	010-5220		40.00
5003811142	03/16/2018	SYSCO VENTURA	130-4300	8.08	
			130-4700	143.54	151.62

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

Checks Dated 03/01/2018 through 03/31/2018 — **Board Meeting Date 4/17/2018**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
5003811143	03/16/2018	VTA CNTY OFFICE OF EDUCATION	010-5804		335.00
5003811144	03/19/2018	VERIZON WIRELESS	010-5901		147.56
5003811145	03/19/2018	Michele N. Waggoner	010-4300		441.38
5003811146	03/20/2018	MJP TECHNOLOGIES, INC	010-5800		75.00
5003811147	03/20/2018	POOLE OIL COMPANY	010-4310		450.10
5003811148	03/20/2018	REVOLVING ACCOUNT	010-5800		19.00
5003811149	03/20/2018	TAX DEFERRED SERVICES	010-9539		5,850.00
5003811150	03/22/2018	AT&T	010-5901	212.59	
			010-8699	19.95-	192.64
5003811151	03/22/2018	RICOH USA, INC	010-5600		2,329.26
5003811152	03/22/2018	RICOH USA, INC	010-5600		205.87
5003811153	03/22/2018	Julee A. Vollmert	010-4300		27.45
5003811154	03/22/2018	Michele N. Waggoner	010-4300		525.66
5003811155	03/22/2018	Leticia E. Cousino	010-4300		25.85
5003811156	03/22/2018	AMAZON/SYNCHRONY BANK	010-4200	540.56	
			010-4300	1,917.92	
			010-5800	115.92	
			Unpaid Tax	6.52-	2,567.88
5003811157	03/22/2018	ANIMAL & INSECT PEST MGMT INC	010-5506		542.00
5003811158	03/22/2018	HOUSE SANITARY SUPPLY	010-4300		746.56
5003811159	03/22/2018	MISSION LINEN SUPPLY	130-5600		49.17
5003811160	03/22/2018	OFFICE DEPOT BUSINESS CREDIT	010-4300	820.56	
			010-5800	65.15	885.71
5003811161	03/22/2018	SYSCO VENTURA	130-4300	182.88	
			130-4700	873.60	1,056.48
5003811162	03/23/2018	Michele N. Waggoner	010-4300		137.33
5003811163	03/23/2018	AFFORDABLE PLUMBING PROS	010-5600		1,995.91
5003811164	03/23/2018	AFFORDABLE PLUMBING PROS	010-5600		2,976.81
5003811165	03/23/2018	AFFORDABLE PLUMBING PROS	010-5600		1,299.06
5003811166	03/23/2018	CENTRAL RESTAURANT PRODUCTS	130-6400	6,113.25	
			Unpaid Tax	413.25-	5,700.00
5003811167	03/23/2018	DURHAM SCHOOL SERVICES	010-5800		1,036.18
5003811168	03/23/2018	HOUSE SANITARY SUPPLY	010-4300		239.11
5003811169	03/23/2018	MOV-AIRE	130-5600		272.18
5003811170	03/23/2018	MUSICIANS BRASS & WOODWIND	010-4300		324.25
5003811171	03/23/2018	REVOLVING ACCOUNT	010-5800		180.00
5003811172	03/23/2018	SYSCO VENTURA	130-4700		149.84
5003811173	03/27/2018	ATKINSON,ANDELSON,LOYA, et al	010-5899		7,868.44
5003811174	03/27/2018	MJP TECHNOLOGIES, INC	010-5800		150.00
5003811175	03/28/2018	SELF-INSURED SCHOOLS OF CALIF	010-3701	83.33	
			010-9534	44,859.05	
			010-9537	3,215.07	48,157.45
5003811176	03/29/2018	SO CA EDISON CO	010-5502		3,594.42
5003811177	03/29/2018	EMPIRE CLEANING SUPPLY	010-4300		203.47
5003811178	03/29/2018	MISSION LINEN SUPPLY	010-5600		87.59
5003811179	03/29/2018	MJP TECHNOLOGIES, INC	010-5800		1,472.50

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 03/01/2018 through 03/31/2018 — **Board Meeting Date 4/17/2018**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
5003811180	03/29/2018	NASON'S LOCK & SAFE, INC	010-5600		1,585.99
5003811181	03/29/2018	SYSCO VENTURA	130-4300	70.29	
			130-4700	543.77	614.06
		Total Number of Checks	**115**		**440,671.65**

Fund Recap

Fund	Description	Check Count	Expensed Amount
010	General Fund	99	424,232.26
130	Cafeteria Fund	18	15,332.36
511	Bond Interest & Redem 67118381	1	1,650.00
	Total Number of Checks	115	441,214.62
	Less Unpaid Tax Liability		542.97-
	Net (Check Amount)		**440,671.65**

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

Fund 010 - General Fund

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
LCFF Revenue Sources						
8011	Rev Lim/LCFF	3,037,780.00	3,001,926.00	2,183,036.00	818,890.00	72.72
8012	Education Protection Act	714,054.00	701,214.00	545,842.00	155,372.00	77.84
8019	Revenue Limit State Aid Prior			33,926.00	33,926.00-	NO BDGT
8021	Homeowners' Exemption	17,234.00	16,615.00	8,889.32	7,725.68	53.50
8041	Secured Rolls Tax	2,100,507.00	2,204,926.00	1,244,872.79	960,053.21	56.46
8042	Unsecured Roll Taxes	67,030.00	71,717.00	68,058.52	3,658.48	94.90
8043	Prior Years' Taxes	4,558.00	3,646.00	11,759.43	8,113.43-	322.53
8044	Supplemental Taxes	53,984.00	60,829.00	72,595.43	11,766.43-	119.34
8045	Education Rev Augmentation Fd	72,198.00	2,215.00-	82,070.60	84,285.60-	-3,705.22
8096	Charter School Trans In Lieu P	1,201,094.00-	1,221,662.00-	952,811.00-	268,851.00-	77.99
	Total LCFF Revenue Sources	**4,866,251.00**	**4,836,996.00**	**3,298,239.09**	**1,538,756.91**	**68.19**
Federal Revenue						
8181	Special Education Entitlement	212,327.00	213,479.00		213,479.00	
8182	Special Education Discretiona	2,117.00	2,117.00		2,117.00	
8290	All Other Federal Revenue	79,916.00	76,197.00	44,852.00	31,345.00	58.86
	Total Federal Revenue	**294,360.00**	**291,793.00**	**44,852.00**	**246,941.00**	**15.37**
Other State Revenues						
8550	Mandated Cost Reimbursements	45,008.00	104,635.00	46,791.00	57,844.00	44.72
8560	State Lottery Revenue	117,227.00	125,788.00	39,496.34	86,291.66	31.40
8590	All Other State Revenues	213,957.00	216,130.00	216,130.38	.38-	100.00
	Total Other State Revenues	**376,192.00**	**446,553.00**	**302,417.72**	**144,135.28**	**67.72**
Other Local Revenue						
8601	InterDistrict Transfers			13,057.00	13,057.00-	NO BDGT
8650	Leases and Rentals		1,900.00	1,900.00		100.00
8660	Interest	11,901.00	11,901.00	7,802.90	4,098.10	65.57
8677	Interagency Services Between L	53,397.00	90,958.00	25,000.00	65,958.00	27.49
8689	All Other Fees and Contracts	19,443.00	19,443.00	10,498.71	8,944.29	54.00
8699	All Other Local Revenue	74,392.00	145,431.00	21,987.90	123,443.10	15.12
8792	Transfers of Apportionments Fr	509,307.00	535,755.00	367,669.00	168,086.00	68.63
	Total Other Local Revenue	**668,440.00**	**805,388.00**	**447,915.51**	**357,472.49**	**55.61**
	Total Year To Date Revenues	**6,205,243.00**	**6,380,730.00**	**4,093,424.32**	**2,287,305.68**	**64.15**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 9, Stmt Option? = R, Zero Amounts? = N, SACS? = N, Restricted? = Y)

Fund 010 - General Fund

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Certificated Salaries							
1100	Teachers' Salaries	2,001,856.00	2,113,393.00	552,405.69	1,548,346.60	12,640.71	73.26
1110	Substitute Teacher	28,500.00	26,750.00		29,937.50	3,187.50-	111.92
1130	Stipend	21,225.00	22,725.00		11,362.50	11,362.50	50.00
1140	Extra Duty	56,353.00	73,843.00		55,695.80	18,147.20	75.42
1200	Certificated Pupil Support Sal		84,400.00	22,935.99	62,844.61	1,380.60-	74.46
1240	Certificated Pupil Support Sal		560.00		560.00		100.00
1301	Superintendent	164,850.00	164,850.00	41,212.50	123,637.50		75.00
1303	Principal	111,013.00	111,013.00	27,753.24	83,259.72	.04	75.00
1940	Extra Duty-Parent Technology	105.00	263.00		227.50	35.50	86.50
	Total Certificated Salaries	**2,383,902.00**	**2,597,797.00**	**644,307.42**	**1,915,871.73**	**37,617.85**	**73.75**
Classified Salaries							
2100	Instructional Aides' Salaries	136,513.00	167,591.00	40,420.50	125,219.76	1,950.74	74.72
2110	Substitute Aide	2,485.00	9,500.00		13,186.53	3,686.53-	138.81
2130	Extra Duty Aide	2,250.00	4,155.00		4,196.87	41.87-	101.01
2150	Instructional Aide Overtime		617.00		1,369.52	752.52-	221.96
2200	Classified Support Salaries	350,560.00	342,865.00	75,644.40	240,853.93	26,366.67	70.25
2210	Classified Support Substitute		200.00		397.62	197.62-	198.81
2214	Substitute Maintenance	1,785.00	9,000.00		12,808.15	3,808.15-	142.31
2216	Substitute Bus Driver	427.00	427.00			427.00	
2218	Substitute Lib/Comp Res	448.00	448.00		194.58	253.42	43.43
2250	Classified Support Overtime	11,000.00	17,515.00		21,265.06	3,750.06-	121.41
2400	Clerical and Office Salaries	172,111.00	174,939.00	42,528.42	127,020.26	5,390.32	72.61
2410	Clerical Sub		930.00		1,057.93	127.93-	113.76
2450	Clerical/Office Overtime	10,000.00	15,322.00		17,641.99	2,319.99-	115.14
2900	Other Classified Salaries	54,315.00	57,544.00	11,828.77	35,553.61	10,161.62	61.79
2910	Other Classified Substitute		305.00		706.80	401.80-	231.74
2950	OTHER CLASS OVERTIME		13.00		13.00		100.00
	Total Classified Salaries	**741,894.00**	**801,371.00**	**170,422.09**	**601,485.61**	**29,463.30**	**75.06**
Employee Benefits							
3101	STRS, certificated positions	343,997.00	374,860.00	92,973.57	272,970.89	8,915.54	72.82
3102	STRS, classified positions	4,557.00	4,557.00	1,255.53	3,426.01	124.54-	75.18
3202	PERS, classified positions	104,847.00	106,775.00	23,549.40	71,210.18	12,015.42	66.69
3301	OASDI/Medicare/Alternative, ce	41,674.00	43,979.00	8,944.71	27,538.41	7,495.88	62.62
3302	OASDI/Medicare/Alternative, cl	52,357.00	57,325.00	11,973.71	43,046.27	2,305.02	75.09
3401	Health & Welfare Benefits, cer	308,281.00	321,396.00	96,418.89	224,977.41	.30-	70.00

Fund 010 - General Fund

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Employee Benefits (continued)							
3402	Health & Welfare Benefits, cla	130,591.00	128,098.00	35,217.18	88,122.06	4,758.76	68.79
3501	SUI, certificated positions	1,151.00	1,254.00	308.46	925.73	19.81	73.82
3502	SUI, classified positions	354.00	384.00	81.23	289.68	13.09	75.44
3601	Work Comp Ins, certificated po	57,087.00	62,197.00	15,426.93	45,873.09	896.98	73.75
3602	Work Comp Ins, classified posi	17,738.00	19,160.00	4,074.84	14,381.55	703.61	75.06
3701	Retiree Benefits, certificated	10,037.00	10,037.00		9,786.57	250.43	97.50
	Total Employee Benefits	**1,072,671.00**	**1,130,022.00**	**290,224.45**	**802,547.85**	**37,249.70**	**71.02**
Books and Supplies							
4100	Textbooks	117,000.00	116,256.00		109,295.66	6,960.34	94.01
4200	Books Other Than Textbooks	8,000.00	7,880.00	445.96	6,100.36	1,333.68	77.42
4300	Materials and Supplies	155,625.00	166,389.00	39,545.83	121,307.77	5,535.40	72.91
4310	Bus Fuel	13,250.00	13,250.00	3,505.02	7,589.01	2,155.97	57.28
4319	Supplies Undesignated	51,124.00	63,252.00			63,252.00	
4400	Non-Capitalized Equipment		16,265.00		18,689.65	2,424.65-	114.91
	Total Books and Supplies	**344,999.00**	**383,292.00**	**43,496.81**	**262,982.45**	**76,812.74**	**68.61**
Services and Other Operating Expenditures							
5100	Sub Agreements for Prof Servic	131,924.00	47,352.00	47,351.00		1.00	
5200	Travel and Conferences	1,100.00	1,120.00		781.47	338.53	69.77
5201	Car Allowance	2,400.00	2,400.00	600.00	1,800.00		75.00
5220	STAFF DEVELOPMENT	9,500.00	12,444.00	700.00	14,917.38	3,173.38-	119.88
5300	Dues and Memberships	8,160.00	9,271.00		9,189.29	81.71	99.12
5450	Other Insurance	32,178.00	32,934.00		32,932.84	1.16	100.00
5501	Natural Gas	6,350.00	6,450.00	3,649.66	2,800.34		43.42
5502	Electricity	56,900.00	56,900.00	11,658.99	43,341.01	1,900.00	76.17
5504	Water	6,400.00	7,200.00	4,262.13	2,937.87		40.80
5505	Rubbish	10,300.00	11,000.00	514.82	10,485.18		95.32
5506	Pest Control	9,000.00	9,000.00	2,749.50	5,050.50	1,200.00	56.12
5600	Rentals,Leases,Repairs & Nonca	108,730.00	126,796.00	20,674.16	115,184.78	9,062.94-	90.84
5750	Direct Costs for Interfund Ser				98.92-	98.92	NO BDGT
5800	Professnl/Consult Serv & Opera	629,207.00	370,625.00	179,129.98	165,829.88	25,665.14	44.74
5801	Audit	19,625.00	19,625.00	9,250.00	4,625.00	5,750.00	23.57
5803	Business Services Authority	123,087.00	123,087.00	41,029.00	82,058.00		66.67
5804	Employment Fees	3,180.00	4,394.00	458.00	4,024.00	88.00-	91.58
5899	Legal Services	17,000.00	57,975.00	10,388.32	59,712.68	12,126.00-	103.00
5901	Phone Services	5,570.00	6,628.00	1,596.13	4,091.63	940.24	61.73

Fund 010 - General Fund							Fiscal Year 2017/18 Through March 2018
Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Services and Other Operating Expenditures (continued)							
5902	Internet Services	41,100.00	41,100.00	33,100.00		8,000.00	
5903	Postage	2,430.00	2,430.00		1,816.29	613.71	74.74
	Total Services and Other Operating Expenditures	**1,224,141.00**	**948,731.00**	**367,111.69**	**561,479.22**	**20,140.09**	**59.18**
Capital Outlay							
6170	Site Improvement		158,302.00	1,977.75	156,323.37	.88	98.75
6210	Architect/Engineering Fees		3,300.00		3,300.00		100.00
6500	Equipment Replacement		316,772.00	27,471.67	243,671.20	45,629.13	76.92
	Total Capital Outlay	**.00**	**478,374.00**	**29,449.42**	**403,294.57**	**45,630.01**	**84.31**
Tuition							
7141	Other Tuition/Excess Costs to	104,857.00	104,857.00		1,043.00-	105,900.00	-0.99
7142	Other Tuition/Excess Costs to	125,099.00	128,639.00		7,889.49	120,749.51	6.13
	Total Tuition	**229,956.00**	**233,496.00**	**.00**	**6,846.49**	**226,649.51**	**2.93**
Other Transfers Out							
7221	Transfers of Apportionments to	368,375.00	395,975.00	109,267.21	253,797.79	32,910.00	64.09
	Total Other Transfers Out	**368,375.00**	**395,975.00**	**109,267.21**	**253,797.79**	**32,910.00**	**64.09**
Transfers of Indirect/direct support costs							
7350	Direct Support/Indirect Costs	3,460.00-	3,460.00-			3,460.00-	
	Total Transfers of Indirect/direct support costs	**3,460.00-**	**3,460.00-**	**.00**	**.00**	**3,460.00-**	
	Total Year To Date Expenditures	**6,362,478.00**	**6,965,598.00**	**1,654,279.09**	**4,808,305.71**	**503,013.20**	**69.03**

Fund 010 - General Fund

Description	Adopted Budget	Revised Budget	Encumbrance	Fiscal Year 2017/18 Through March 2018 Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	6,205,243.00	6,380,730.00		4,093,424.32	2,287,305.68	64.15
B. Expenditures	6,362,478.00	6,965,598.00	1,654,279.09	4,808,305.71	503,013.20	69.03
C. Subtotal (Revenue LESS Expense)	157,235.00-	584,868.00-		714,881.39-	1,784,292.48	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	157,235.00-	584,868.00-		714,881.39-	1,784,292.48	
F. Fund Balance:						
Beginning Balance (9791)	1,629,670.00	1,874,890.00		1,874,890.61		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	1,629,670.00	1,874,890.00		1,874,890.61		
G. Calculated Ending Balance	1,472,435.00	1,290,022.00		1,160,009.22		
*Components of Ending Fund Balance						
Legally Restricted (9740)	87,722.00	63,185.00				
Other Designations (9780)						
Undesig/Unapprop (9790)	1,066,589.00	908,713.00				
Other	318,124.00	318,124.00		1,654,279.09		

Fund 130 - Cafeteria Fund

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Federal Revenue						
8220	Child Nutrition Programs	108,869.00	126,603.00	70,907.72	55,695.28	56.01
8290	All Other Federal Revenue		6,000.00	5,400.00	600.00	90.00
	Total Federal Revenue	**108,869.00**	**132,603.00**	**76,307.72**	**56,295.28**	**57.55**
Other State Revenues						
8520	Child Nutrition Programs	8,716.00	9,764.00	5,356.50	4,407.50	54.86
	Total Other State Revenues	**8,716.00**	**9,764.00**	**5,356.50**	**4,407.50**	**54.86**
Other Local Revenue						
8634	Food Services Sales	58,610.00	64,439.00	33,048.39	31,390.61	51.29
8660	Interest	312.00	350.00	197.95	152.05	56.56
	Total Other Local Revenue	**58,922.00**	**64,789.00**	**33,246.34**	**31,542.66**	**51.31**
	Total Year To Date Revenues	**176,507.00**	**207,156.00**	**114,910.56**	**92,245.44**	**55.47**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Classified Salaries							
2200	Classified Support Salaries	46,705.00	53,233.00	14,212.83	37,647.08	1,373.09	70.72
2212	Subsitute Cafeteria Worker	4,740.00	4,740.00		1,509.30	3,230.70	31.84
2250	Classified Support Overtime	3,600.00	4,004.00		4,183.55	179.55-	104.48
2400	Clerical and Office Salaries	5,840.00	5,840.00	1,511.25	4,140.75	188.00	70.90
	Total Classified Salaries	**60,885.00**	**67,817.00**	**15,724.08**	**47,480.68**	**4,612.24**	**70.01**
Employee Benefits							
3202	PERS, classified positions	9,456.00	9,607.00	2,124.24	6,332.69	1,150.07	65.92
3302	OASDI/Medicare/Alternative, cl	4,067.00	5,030.00	1,155.30	3,489.33	385.37	69.37
3402	Health & Welfare Benefits, cla	9,991.00	11,418.00	3,425.34	7,992.44	.22	70.00
3502	SUI, classified positions	27.00	32.00	7.56	23.04	1.40	72.00
3602	Work Comp Ins, classified posi	1,455.00	1,621.00	375.96	1,135.25	109.79	70.03
	Total Employee Benefits	**24,996.00**	**27,708.00**	**7,088.40**	**18,972.75**	**1,646.85**	**68.47**
Books and Supplies							
4300	Materials and Supplies	9,510.00	9,510.00	2,621.44	5,433.15	1,455.41	57.13
4400	Non-Capitalized Equipment		2,475.00		4,211.13	1,736.13-	170.15
4700	Food	65,114.00	63,044.00	19,267.04	43,988.07	211.11-	69.77
	Total Books and Supplies	**74,624.00**	**75,029.00**	**21,888.48**	**53,632.35**	**491.83-**	**71.48**
Services and Other Operating Expenditures							

Fund 130 - Cafeteria Fund					Fiscal Year 2017/18 Through March 2018		
Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Services and Other Operating Expenditures (continued)							
5600	Rentals,Leases,Repairs & Nonca	5,000.00	5,000.00	738.06	2,834.12	1,427.82	56.68
5800	Professnl/Consult Serv & Opera	821.00	821.00		229.05	591.95	27.90
	Total Services and Other Operating Expenditures	**5,821.00**	**5,821.00**	**738.06**	**3,063.17**	**2,019.77**	**52.62**
Capital Outlay							
6400	Equipment		6,000.00		6,113.25	113.25-	101.89
	Total Capital Outlay	**.00**	**6,000.00**	**.00**	**6,113.25**	**113.25-**	**101.89**
Transfers of Indirect/direct support costs							
7350	Direct Support/Indirect Costs	3,460.00	3,460.00			3,460.00	
	Total Transfers of Indirect/direct support costs	**3,460.00**	**3,460.00**	**.00**	**.00**	**3,460.00**	
	Total Year To Date Expenditures	**169,786.00**	**185,835.00**	**45,439.02**	**129,262.20**	**11,133.78**	**69.56**

Fund 130 - Cafeteria Fund						Fiscal Year 2017/18 Through March 2018
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	176,507.00	207,156.00		114,910.56	92,245.44	55.47
B. Expenditures	169,786.00	185,835.00	45,439.02	129,262.20	11,133.78	69.56
C. Subtotal (Revenue LESS Expense)	6,721.00	21,321.00		14,351.64-	81,111.66	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	6,721.00	21,321.00		14,351.64-	81,111.66	
F. Fund Balance:						
Beginning Balance (9791)	81,550.00	83,581.00		83,581.21		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	81,550.00	83,581.00		83,581.21		
G. Calculated Ending Balance	88,271.00	104,902.00		69,229.57		
*Components of Ending Fund Balance						
Legally Restricted (9740)	88,271.00	104,902.00				
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other				45,439.02		

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	650.00	650.00	113.60	536.40	17.48
	Total Other Local Revenue	**650.00**	**650.00**	**113.60**	**536.40**	**17.48**
	Total Year To Date Revenues	**650.00**	**650.00**	**113.60**	**536.40**	**17.48**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5600	Rentals,Leases,Repairs & Nonca	15,000.00					NO BDGT
	Total Services and Other Operating Expenditures	**15,000.00**	**.00**	**.00**	**.00**	**.00**	**NO BDGT**
Capital Outlay							
6200	Buildings and Improvement of B		34,996.00		34,996.00		100.00
	Total Capital Outlay	**.00**	**34,996.00**	**.00**	**34,996.00**	**.00**	**100.00**
	Total Year To Date Expenditures	**15,000.00**	**34,996.00**	**.00**	**34,996.00**	**.00**	**100.00**

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2017/18 Through March 2018

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	650.00	650.00		113.60	536.40	17.48
B. Expenditures	15,000.00	34,996.00		34,996.00		100.00
C. Subtotal (Revenue LESS Expense)	14,350.00-	34,346.00-		34,882.40-	536.40	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	14,350.00-	34,346.00-		34,882.40-	536.40	
F. Fund Balance:						
Beginning Balance (9791)	52,202.00	52,492.00		52,492.14		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	52,202.00	52,492.00		52,492.14		
G. Calculated Ending Balance	37,852.00	18,146.00		17,609.74		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	37,852.00	18,146.00				

Fund 150 - Pupil Transportation Equipment				Fiscal Year 2017/18 Through March 2018		
Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	150.00	150.00	75.53	74.47	50.35
	Total Other Local Revenue	**150.00**	**150.00**	**75.53**	**74.47**	**50.35**
	Total Year To Date Revenues	**150.00**	**150.00**	**75.53**	**74.47**	**50.35**

Fund 150 - Pupil Transportation Equipment				Fiscal Year 2017/18 Through March 2018		
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	150.00	150.00		75.53	74.47	50.35
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	150.00	150.00		75.53	74.47	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	150.00	150.00		75.53	74.47	
F. Fund Balance:						
Beginning Balance (9791)	20,017.00	20,118.00		20,118.42		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	20,017.00	20,118.00		20,118.42		
G. Calculated Ending Balance	20,167.00	20,268.00		20,193.95		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	20,167.00	20,268.00				

Fund 171 - S/R Capital Outlay-Technology — Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest			188.69	188.69-	NO BDGT
	Total Other Local Revenue	**.00**	**.00**	**188.69**	**188.69-**	**NO BDGT**
	Total Year To Date Revenues	**.00**	**.00**	**188.69**	**188.69-**	**NO BDGT**

Fund 171 - S/R Capital Outlay-Technology				Fiscal Year 2017/18 Through March 2018		
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues				188.69	188.69-	NO BDGT
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	.00	.00		188.69	188.69-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	.00	.00		188.69	188.69-	
F. Fund Balance:						
Beginning Balance (9791)	50,036.00	50,213.00		50,212.93		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	50,036.00	50,213.00		50,212.93		
G. Calculated Ending Balance	50,036.00	50,213.00		50,401.62		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	50,036.00	50,213.00				

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	80.00	80.00	40.08	39.92	50.10
	Total Other Local Revenue	**80.00**	**80.00**	**40.08**	**39.92**	**50.10**
	Total Year To Date Revenues	**80.00**	**80.00**	**40.08**	**39.92**	**50.10**

Fund 173 - S/R Capital Outlay-Equipment					Fiscal Year 2017/18 Through March 2018	
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	80.00	80.00		40.08	39.92	50.10
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	80.00	80.00		40.08	39.92	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	80.00	80.00		40.08	39.92	
F. Fund Balance:						
Beginning Balance (9791)	10,634.00	10,688.00		10,688.14		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	10,634.00	10,688.00		10,688.14		
G. Calculated Ending Balance	10,714.00	10,768.00		10,728.22		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,714.00	10,768.00				

Fund 251 - Developer Fees

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	560.00	560.00	313.33	246.67	55.95
8681	Mitigation/Developer Fees			3,297.24	3,297.24-	NO BDGT
	Total Other Local Revenue	**560.00**	**560.00**	**3,610.57**	**3,050.57-**	**644.74**
	Total Year To Date Revenues	**560.00**	**560.00**	**3,610.57**	**3,050.57-**	**644.74**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5750	Direct Costs for Interfund Ser				98.92	98.92-	NO BDGT
	Total Services and Other Operating Expenditures	**.00**	**.00**	**.00**	**98.92**	**98.92-**	**NO BDGT**
	Total Year To Date Expenditures	**.00**	**.00**	**.00**	**98.92**	**98.92-**	**NO BDGT**

Fund 251 - Developer Fees

Fiscal Year 2017/18 Through March 2018

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	560.00	560.00		3,610.57	3,050.57-	644.74
B. Expenditures				98.92	98.92-	NO BDGT
C. Subtotal (Revenue LESS Expense)	560.00	560.00		3,511.65	2,951.65-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	560.00	560.00		3,511.65	2,951.65-	
F. Fund Balance:						
Beginning Balance (9791)	79,581.00	82,932.00		82,931.76		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	79,581.00	82,932.00		82,931.76		
G. Calculated Ending Balance	80,141.00	83,492.00		86,443.41		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)	80,141.00	83,492.00				
Undesig/Unapprop (9790)						
Other						

Fund 355 - School Facilities Hardship — Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	390.00	390.00	198.94	191.06	51.01
	Total Other Local Revenue	**390.00**	**390.00**	**198.94**	**191.06**	**51.01**
	Total Year To Date Revenues	**390.00**	**390.00**	**198.94**	**191.06**	**51.01**

Fund 355 - School Facilities Hardship						Fiscal Year 2017/18 Through March 2018
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	390.00	390.00		198.94	191.06	51.01
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	390.00	390.00		198.94	191.06	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	390.00	390.00		198.94	191.06	
F. Fund Balance:						
Beginning Balance (9791)	52,525.00	52,759.00		52,758.50		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	52,525.00	52,759.00		52,758.50		
G. Calculated Ending Balance	52,915.00	53,149.00		52,957.44		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)	52,915.00	53,149.00				
Other						

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2017/18 Through March 2018

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other State Revenues						
8571	Voted Indebtedness Levies, HOP	1,513.00	1,427.00	700.03	726.97	49.06
	Total Other State Revenues	**1,513.00**	**1,427.00**	**700.03**	**726.97**	**49.06**
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	280,445.00	271,525.00	172,384.02	99,140.98	63.49
8612	Voted Indebtedness Levies, Uns			6,735.64	6,735.64-	NO BDGT
8613	Voted Indebtedness Levies, P/Y			104.02	104.02-	NO BDGT
8614	Voted Indebtedness Levies, Sup			2,380.80	2,380.80-	NO BDGT
8660	Interest	1,000.00	1,000.00	665.60	334.40	66.56
	Total Other Local Revenue	**281,445.00**	**272,525.00**	**182,270.08**	**90,254.92**	**66.88**
	Total Year To Date Revenues	**282,958.00**	**273,952.00**	**182,970.11**	**90,981.89**	**66.79**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	145,000.00	145,000.00		145,000.00		100.00
7434	Bond Interest and Other Servic	142,600.00	142,600.00		143,405.00	805.00-	100.56
	Total Debt Service	**287,600.00**	**287,600.00**	**.00**	**288,405.00**	**805.00-**	**100.28**
	Total Year To Date Expenditures	**287,600.00**	**287,600.00**	**.00**	**288,405.00**	**805.00-**	**100.28**

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2017/18 Through March 2018

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	282,958.00	273,952.00		182,970.11	90,981.89	66.79
B. Expenditures	287,600.00	287,600.00		288,405.00	805.00-	100.28
C. Subtotal (Revenue LESS Expense)	4,642.00-	13,648.00-		105,434.89-	91,786.89	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	4,642.00-	13,648.00-		105,434.89-	91,786.89	
F. Fund Balance:						
Beginning Balance (9791)	273,091.00	281,488.00		281,487.95		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	273,091.00	281,488.00		281,487.95		
G. Calculated Ending Balance	268,449.00	267,840.00		176,053.06		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	268,449.00	267,840.00				

Fund 511 - Bond Interest & Redem 67118381					Fiscal Year 2017/18 Through March 2018		
Object	Description	Adopted Budget	Revised Budget		Revenue	Balance	% Rcvd
Revenue Detail							
Other State Revenues							
8571	Voted Indebtedness Levies, HOP	1,534.00	1,448.00		710.87	737.13	49.09
	Total Other State Revenues	**1,534.00**	**1,448.00**		**710.87**	**737.13**	**49.09**
Other Local Revenue							
8611	Voted Indebtedness Levies, Sec	284,409.00	275,639.00		172,540.61	103,098.39	62.60
8612	Voted Indebtedness Levies, Uns				6,727.92	6,727.92-	NO BDGT
8613	Voted Indebtedness Levies, P/Y				105.72	105.72-	NO BDGT
8614	Voted Indebtedness Levies, Sup				2,394.59	2,394.59-	NO BDGT
8660	Interest	1,000.00	1,000.00		628.95	371.05	62.90
	Total Other Local Revenue	**285,409.00**	**276,639.00**		**182,397.79**	**94,241.21**	**65.93**
	Total Year To Date Revenues	**286,943.00**	**278,087.00**		**183,108.66**	**94,978.34**	**65.85**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	125,000.00	125,000.00		125,000.00		100.00
7434	Bond Interest and Other Servic	157,888.00	157,888.00		160,142.50	2,254.50-	101.43
	Total Debt Service	**282,888.00**	**282,888.00**	**.00**	**285,142.50**	**2,254.50-**	**100.80**
	Total Year To Date Expenditures	**282,888.00**	**282,888.00**	**.00**	**285,142.50**	**2,254.50-**	**100.80**

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2017/18 Through March 2018

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	286,943.00	278,087.00		183,108.66	94,978.34	65.85
B. Expenditures	282,888.00	282,888.00		285,142.50	2,254.50-	100.80
C. Subtotal (Revenue LESS Expense)	4,055.00	4,801.00-		102,033.84-	97,232.84	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	4,055.00	4,801.00-		102,033.84-	97,232.84	
F. Fund Balance:						
Beginning Balance (9791)	255,675.00	263,974.00		263,973.76		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	255,675.00	263,974.00		263,973.76		
G. Calculated Ending Balance	259,730.00	259,173.00		161,939.92		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	259,730.00	259,173.00				

MESA UNION SCHOOL DISTRICT **ENROLLMENT REPORT** **4/10/2018**

Teacher	Subject	Period	Total Enrolled	
Morgan	Transitional		12	
Morgan	Kinder		8	
Ainsworth	Kinder		20	
Puga	Kinder		19	
White	Kinder		**20**	
Torres	SDC		2	
		Total	81	
Garza	First		25	
Vollmert	First		**24**	
Reyes	First		23	
Torres	SDC		1	
		Total	73	
Williams	Second		25	
Torres	SDC		3	
Webster	Second		**26**	
		Total	54	
Muhlitner	Third		21	
Ford	Third		21	
Mayes	Third		**21**	
Torres	SDC		1	
		Total	64	
Kuklenski	Fourth		14	
Mitchell	Fourth		30	
Catlett	Fourth		**30**	
		Total	**74**	
Demaria	Fifth		31	
Grogan	Fifith		27	
Kuklenski	Fifth		14	
		Total	**72**	
			418	
Sixth Grade			**71**	
Seventh Grade			**67**	
Eighth Grade			**62**	
			200	
			618	
Mckenna	Homeroom	0	**23**	
McKenna	Science 6	1	22	
McKenna	Social Studies 6	2	24	
McKenna	Science 6	3	24	
McKenna	Social Studies 6	4	23	
Mckenna	Agriculture 6	6	21	

Davis	Homeroom	0	**23**	
Davis	Social Studies -6	1	24	
Davis	English Lang 6	2	25	
Davis	English-Lang 6	3	23	
Davis	English-Lang 6	4	**23**	
Davis	PE 6	5	**35**	
Davis	PE-6	6	**36**	
Poole	Homeroom	0	**25**	
Poole	Science 6	1	25	
Poole	Math 6	2	24	
Poole	Math-6	3	23	
Poole	Math-6	4	24	
Poole	Robotics 6	6	28	
Dekok	Homeroom	0	**33**	
Dekok	Language 7	1	33	
Dekok	Social Studies 7	2	33	
Dekok	Poetry	3	17	
Dekok	Language 7	5	34	
Dekok	Social Studies 7	6	**34**	
Jahr	Homeroom	0	**34**	
Jahr	Science 8	1	33	
Jahr	Science 7	2	33	
Jahr	Science 8	3	29	
Jahr	Science 7	4	34	
Jahr	Ocean 7	5	29	
Dwork	Homeroom	0	**31**	
Dwork	Language 8	1	29	
Dwork	Social Studies	2	29	
Dwork	Drama	3	28	
Dwork	Language 8	5	33	
Dwork	Social Studies	6	33	
Nguyen	Homroom	0	31	
Nguyen	Math 7	1	*33*	
Nguyen	Math 8	2	33	
Nguyen	Math 7	3	34	
Nguyen	Math 8	4	29	
Nguyen	Coding	5	14	
Rosen	7/8 PE	3	34	
Rosen	7/8 PE	4	32	
Rosen	7/8 PE	5	31	

Rosen	7/8 PE	6	32	
Goad	Music 7/8	3	22	
Goad	Music 7/8	5	20	
Goad	Music 6	6	22	

STUDENT OF THE MONTH
MARCH 2018

TEACHER	SOM	PRINCIPAL'S AWARD HONESTY
Torres		
AINSWORTH	BROOKELYNN RAMIREZ LUCAS SABEDRA	LAYLA GUERRERO NATHAN MOOSHAGIAN FAITH FIGUEROA
MORGAN	REINA DELUIS CARLY GONZALEZ	CRYSTAL SANCHEZ MICAH DICKEY
PUGA	MASON GALLEGOS JACOB HERNANDEZ	LISANDRO MEZA-PARRA EMMA CAMARILLO
WHITE	JOEL SILVA PENELOPE ROBERSON	ANGEL ALLENSWORTH NEVAEH VALDEZ MILA SAHAGUN
GARZA	ALDO CAMPOS SAVANNAH MERCHANT	RUBI MUNOZ NOAH AYALA
REYES	ELLE MARQUEZ GENEVA SAPIEN	ANGEL AVALOS LISETTE COUSINO
VOLLMERT	AUBREE LOWE LAILA WALEA MATIX MCGONIGLE	GERARDO LOPEZ TATTIANA SILLAS
WEBSTER	MAX LOPEZ SEBASTIAN RODRIGUEZ	KYLA SAHAGUN MEGAN SHIELDS AALIYAH BALLESTEROS
WILLIAMS	VAUGHN TRAINOR NATALIE RODRIGUEZ	LAYLA GALLEGOS GLORIA SAMANIEGO

STUDENT OF THE MONTH
MARCH 2018

TEACHER	SOM	PRINCIPAL'S AWARD HONESTY
FORD	COLLIN WONG KAEDE HAMLYN	COURTNEY PINKERTON LUKE HENDERSON
MAYES	JOCELYNN ELSTON MARABELLE LIPPOLD	LILY STREMCHA ISAAC POLANCO-FLORES
MUHLITNER	ABEL MORALES ADAM MARTINEZ	ANALISE MANSOUR ALEXIS FINFROCK
CATLETT	NINA ADZIC JOSEPH CHAVEZ	ISABELLE RAMIREZ IAN TOREJA
FISHER	SEBASTIAN BOISSELIER ERIC FLORES	KYLIE LAN AUDREY WALEA
KUKLENSKI	JOSHUA CAMPOS ISIS MARES BRADDOCK BEIFUSS	YOSHI OKAMURA JASE ANGER
DEMARIA	AISHWARYA MIGLINO AVA CARBAJAL	JACOB ALAMEDA LOURDES HERNANDEZ-MUNOZ
GROGAN	ANTHONY GONZALEZ JORDYN GONZALEZ	JACK BUENROSTRO

STUDENT OF THE MONTH
SPECIAL AWARD
MARCH 2018

TEACHER	MUSIC
AINSWORTH	EMILY RODRIGUEZ GARRISON VILLA
MORGAN	CAMILLA GEAN NATHAN HERRERA GENEVIEVE NURRE
PUGA	BAYA REDMOND
WHITE	XANDER AVELAR
GARZA	LINA ZAHRANE
REYES	ALEX MATHIS NADIA PRIETO
VOLLMERT	ELEXA BARRAGAN CORA DICKEY JOSHUA MEDINA
WEBSTER	AIZA RONQUILLO
WILLIAMS	OLIVIA DRYDEN

STUDENT OF THE MONTH
SPECIAL AWARD
MARCH 2018

TEACHER	MUSIC
FORD	ARPAN SHRESTHA QUINN HAMPTON VICTORIA-ROSE FERNANDEZ
MAYES	YNES ROBLES NATALIE SCLAR SAM MATHIS
MUHLITNER	DORIAN FORD MEILINN RONQUILLO
CATLETT	DAVID CORONADO CATE MADELEINE REFERENTE NATHAN LACQUEMENT BRIAN DAVIS-BOCCALI
FISHER	GAEL GONZALEZ MOISES LAUREANO TYLER NOWAK SADIE CASTRO
KUKLENSK I	KAMILA LARA IVONNE CASTANEDA CAMILO SOLIS
DEMARIA	MADISON IBARRA MALEENE HERNANDEZ-MUNOZ ANISA QUDDUS
GROGAN	ANTONIO PEREZ JORDYN GONZALEZ

MESA UNION SCHOOL

HONOR ROLL/MERIT ROLL

2017-2018

SECOND TRIMESTER

4TH GRADE

HONOR ROLL	MERIT ROLL
BOISSELIER, SEBSTIAN	ADZIC, NINA
BRYANT, JAYDEN	ANDRADE, SANTIAGO
BRYANT, SAMUEL	AVALOS, ADRIAN
CAMARILLO, JACOB	BRASHEAR, LILLY
CAMPOS, JOSHUA	CAMARENA, JAZMYN
CORONADO, DAVID	CASTRO, GAEL
CORRAL, JORDAN	CASTRO, SADIE
CRULL, AIDYN	DEARDORFF, CHARLOTTE
DYKES, MATTHEW	EHRHARDT, JOSHUA
ESTRADA, MICHAEL	FABIE, BRODY
FLORES, ERIC	GALICIA, JANET
FLORES, LAYNEE	HALFAR, ASHLYN
GILBREATH, JORDAN	JIMENEZ, ANDRES
KIKER, ADDISON	MARTINEZ, GIANCARLO
LACQUEMENT, NATHAN	NAVA, KRYSTAL
LAN, KYLIE	OKAMURA KIYOSHI
LARA, KAMILA	RAMIREZ, ISABELLE
LUNA, MAXIMO	RODRIGUEZ, FAITH
MARES, ISIS	SCAPLEN MACKENZIE
NAVARRETE, JAIDYN	SHIELDS, JAMES
NISWANDER, SYDNEY	VILLANUEVA, DOMITILA
NOWAK, TYLER	ZAVALA, SAWYER
ORTEGA, MIKAYLA	
PFEIFFER, ELLIA	
PIERSON, CHASE	
REFERENTE, CATE MADELEINE	
ROBB, EVELYN	

RUSSELL, MELINA
SHRESTHA, AVANI
TOREJA, IAN
TSUJI, GRANT
VICENTE, LEILANI
WALEA, AUDREY

MESA UNION SCHOOL

HONOR ROLL/MERIT ROLL

2017-2018

SECOND TRIMESTER

5TH GRADE

HONOR ROLL	MERIT ROLL
AGRAZ, EDUARDO	BALLESTEROS, ALYSSA
ALAMEDA, JACOB	BUENROSTRO, JACK
ALVAREZ, SOPHIA	DEARCOS, VICENTE
ANGER, ELLE	DOUGLAS, BRYCETON
ANGER, JASE	GONZALEZ, JORDYN
BEIFUSS, BRADDOCK	HOOLMAA, GRACE
CARBAJAL, AVA	IBARRA, MADISON
CASTANEDA-HUICHAN, IVONNE	JAHANGIRI, CYRUS
CHACON, AZAIRIA	OKAMURA, HIROTOSHI
ELLISON, ALEXANDRIA	PACION, KADEN
HERNANDEZ-MUNOZ, LOURDES	TARAZON, MITCHEL
HERNANDEZ-MUNOZ, MALEENE	VEGA, ANGEL
KAWATA, KRISTEN	VILLA, HUDSON
KIM, CLAIRE	
LYNCH, LAURA	
MAGDALENO, ANAIS	
MIGLINO, AISHWARYA	
MORENCY, LILIANA	
MUHLITNER, COREY	
MUNOZ, ROMINA	
PINKERTON, ALEXANDRA	
POZZI, LUCIA	
POZZI, STEFANO	
RUSSELL, KIARA	
SAHAGUN, NOAH	
SANCHEZ, CELESTE	
SCHULTZ, LOLA	

SOLIS, CAMILO

TRESE, SOPHIA

TRONCOSO, VIVIA

VALDEZ, DAMIEN

Date	Num	Payee	Memo	Category	Amount	C	Balance
8/31/2017	DEP		Agendas	from PFO	2,502.57		7,402.80
8/31/2017	2314	Premier Agendas	agendas		-2,502.57		4,900.23
9/1/2017	DEP		P.E. uniforms	Junior High	450.00		5,350.23
9/1/2017	DEP		P.E. Uniforms	Junior High	1,490.00		6,840.23
9/1/2017	DEP		P.E. Uniforms	error on deposit	35.00		6,875.23
9/1/2017	2315	Willie Dillon	P.E. uniforms	Junior High	-1,800.00		5,075.23
9/25/2017			Bank fee	June bank fees	-3.00		5,072.23
9/29/2017	DEP		returned check for P.E. clothes	Junior High	74.00		5,146.23
9/29/2017			Returned check and bank fees		-74.00		5,072.23
10/16/2017	DEP		PFO	Outdoor school $5000/Cata...	10,000.00		15,072.23
10/16/2017	2316	Guides Discoveries Inc.	Catalina field trip	7th graders	-3,000.00		12,072.23
10/19/2017	2317	Pali Institute	outdoor school	6th grade	-1,500.00		10,572.23
10/31/2017	DEP		County of Kern	Catalina field trip/refund	1,050.90		11,623.13
10/31/2017	2318	Carl Aspuria	DJ.	Junior High	-200.00		11,423.13
10/31/2017	2319	Lifetouch	deposit	Yearbook	-2,080.00		9,343.13
11/6/2017	DEP		outdoor school	6th grade	10,270.00		19,613.13
11/9/2017	DEP		outdoor school	6th grade	610.00		20,223.13
11/9/2017	2320	Pali Institute	outdoor school	6th grade	-13,982.50		6,240.63
11/28/2017	DEP		water bottles	National Marine Sanctuary f...	3,810.00		10,050.63
11/28/2017	2321	Mark-It Place	water bottles		-2,304.80		7,745.83
12/1/2017	DEP		student body		110.00		7,855.83
12/1/2017	2322	Christine Jahr	supplies		-387.31		7,468.52
12/12/2017	2323	Pali Institute	outdoor school	6th grade	-1,500.00		5,968.52
12/20/2017	DEP		Donations from Edison/Count...	Catalina field trip	4,777.95		10,746.47
12/27/2017			Deposit adjustment		40.00		10,786.47
12/27/2017			Bank fee	October and November ban...	-6.00		10,780.47
1/25/2018	DEP		Catalina field trip	7th graders	2,020.00		12,800.47
1/25/2018	DEP		Catalina field trip	7th graders	1,290.00		14,090.47
1/25/2018			Bank fees	December 2017	-18.00		14,072.47
2/6/2018	DEP		Catalina Field Trip	7th graders	5,759.50		19,831.97
2/8/2018	2324	CIMI Toyon Bay	catalina trip	7th graders	-18,335.00		1,496.97
2/8/2018	2325	CIMI Toyon Bay	catalina trip	7th graders	-645.00		851.97
2/9/2018	DEP		Catalina Field Trip	7th graders	352.50		1,204.47
2/9/2018	DEP		Reimbursement from Ventura...	7th grade field trip	239.82		1,444.29
2/15/2018			$300 error on deposit of $575...	Catalina field trip	-300.00		1,144.29
2/16/2018	2326	Carl Aspuria	DJ.	Junior High	-200.00		944.29
2/21/2018	DEP		Catalina field trip	7th grade field trip 2018-19	560.00		1,504.29
2/21/2018	DEP		Junior High	Valentine grams	42.90		1,547.19
2/21/2018			Bank adjustment	NSF - account overdrawn	-112.00		1,435.19
3/19/2018	2327	David Wilson	referee		-30.00		1,405.19
3/20/2018			bank adjustment		0.08		1,405.27
3/20/2018			bank fees	Check order fee/bank fee	-40.00		1,365.27
3/20/2018	2328	Ken Scott	referee		-30.00		1,335.27
3/21/2018			Adjustment for Check @324		2,980.00		4,315.27
3/23/2018	DEP		Catalina fees and basketball f...		160.00		4,475.27
3/23/2018	2329	Mesa-BSA	bank correction		-40.00		4,435.27

Date	Num	Payee	Memo	Category	Amount	C	Balance
3/23/2018	2330	Diane Rucker	refund for Catalina trip		-100.00		4,335.27

Date	Num	Payee	Memo	Category	Amount	C	Balance
7/14/2017	1954	US Postmaster	postage		-294.00		1,000.00
7/14/2017	1955	US Postmaster	postage		-316.20		683.80
7/18/2017			bank fees	NSF - account overdrawn	-70.00		613.80
8/8/2017	1956	CTC	Brianna Poole application		-100.00		513.80
8/9/2017	1957	US Postmaster	postage		-252.00		261.80
8/17/2017	1958	Costco	Food drive supplies		-80.18		181.62
8/18/2017	1959	Nothing bundt Cakes	supplies		-61.50		120.12
8/28/2017	DEP		Reimbursement		386.20		506.32
8/31/2017	DEP		Reimbursement		412.68		919.00
8/31/2017			bank fee	Fees & Charges:Service Fe...	19.00		938.00
8/31/2017			bank fee	bank fee for July and August	-38.00		900.00
8/31/2017	1960	US Postmaster	postage		-213.20		686.80
9/21/2017	DEP		Reimbursement		213.20		900.00
10/12/2017	DEP		Reimbursement		100.00		1,000.00
10/18/2017	1961	US Postmaster	postage		-17.70		982.30
11/6/2017	1962	US Postmaster	postage	Postage and Delivery (Busi...	-300.59		681.71
11/8/2017	DEP		Reimbursement		17.70		699.41
11/17/2017	1963	Voided			0.00		699.41
11/28/2017			bank fee	October bank fee	-19.00		680.41
11/28/2017			bank fee	September fee	-19.00		661.41
12/12/2017	1964	Carmen Auto	smog bus #5		-69.99		591.42
12/20/2017	DEP		Reimbursement		69.99		661.41
12/20/2017	DEP		Reimbursement		300.59		962.00
12/20/2017			Bank fee	October bank fee	19.00		981.00
12/20/2017			Bank fees	September 2017	19.00		1,000.00
12/20/2017			Bank fees	new checks	48.00		1,048.00
12/20/2017			Bank fee	November 2017	-19.00		1,029.00
12/20/2017			Bank fee	new checks	-48.00		981.00
12/27/2017			Bank fee	November 2017	19.00		1,000.00
1/2/2018	1965	US Postmaster	postage		-343.00		657.00
1/18/2018	DEP		reimbursement		343.00		1,000.00
1/25/2018			bank fee	December 2017	19.00		1,019.00
1/31/2018	1966	US Postmaster	postage		-303.52		715.48
2/5/2018			Bank fee		0.00		715.48
2/5/2018			Bank fee	Fees & Charges:Service Fe...	19.00		734.48
2/5/2018			Bank fee	December 2017	-19.00		715.48
2/21/2018	DEP		Reimbursement		303.52		1,019.00
2/21/2018	1967	VCOE	science fair fees		-180.00		839.00
2/27/2018			Bank fees	January 2018	-38.00		801.00
3/20/2018			Bank fee	February bank fee	-19.00		782.00
3/23/2018	DEP		reimbursement		40.00		822.00
4/4/2018	DEP		reimbursement		180.00		1,002.00
4/4/2018	DEP		Bank fees	February bank fee	19.00		1,021.00

Consulting Services Agreement

This CONSULTING SERVICES AGREEMENT (this "Agreement") is dated as of the latest date set forth on the signature page hereto (the "Effective Date") and is entered into by and between Isom Advisors, a Division of Urban Futures Inc., a California corporation ("Advisor"), and the Mesa Union School District ("District").

Advisor agrees to:

1. Prepare a telephone voter survey of the voters of the District, the purpose of which is to assess the feasibility of a voter approved tax measure in the District.
2. Survey an audience that consists of a random sample of registered voters that represents a subset of the various demographics in the community (i.e. age, political party, ethnicity, parent/non-parent, gender, and geographic location)
3. Test specific project support, tax tolerances, voter attitudes, and overall support for a local school district tax measure.
4. Prepare a summary survey presentation to be presented to the District and Board at a public board meeting.

District agrees to:

1. Fully cooperate and assist Advisor in providing appropriate background data unique to the District including project lists for the development of the survey on behalf of District.

Consideration:

1. In consideration for the above services, District agrees to pay Advisor pursuant to the following:
   a. The fee for the survey will be Three Thousand Dollars ($3,000) and is to be paid upon presentation of results to the District.
   b. This agreement shall terminate with 30 days written notice from either party sent via certified mail.

Arbitration:

In the event of a dispute between the parties regarding the terms or performance of this Agreement, the parties agree to decide this dispute under the rules of the American Arbitration Association.

Complete Agreement:

The parties agree that this Agreement is the complete agreement between the parties superseding all prior written or oral agreements between the parties. The parties further agree that this Agreement can be altered or modified only through a writing signed and dated by both parties.

Mesa Union School District	Isom Advisors, a Division of Urban Futures Inc.
_____	_____
Jeff Turner, Superintendent	Jon Isom, Managing Principal

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130

Cal OES ID No: _____

Mesa Union School District Resolution #17-18-10

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE Board of Directors (Governing Body) OF THE Mesa Union School District (Name of Applicant)

THAT Jeff Turner, Superintendent (Title of Authorized Agent), OR

Tami Peterson, Chief Business Official (Title of Authorized Agent), OR

Russ Olsen, Director of Risk Management (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Mesa Union School District (Name of Applicant), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Mesa Union School District (Name of Applicant), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20_____.

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____ (Name), duly appointed and _____ (Title) of Mesa Union School District (Name of Applicant), do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the Board of Directors (Governing Body) of the Mesa Union School District (Name of Applicant)

on the _____ day of _____, 20___.

_____ (Signature) _____ (Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. Titles Only: If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.

2. Names and Titles: If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

Mesa Union School District

We teach students, to create, connect, and collaborate-for life!"

2018-2019 BELL SCHEDULE

Regular Schedule

TK/Kindergarten		Kindergarten (10/22/18-6/14/19)		1st Grade	
8:25	School Begins	8:25	School Begins	8:25	School Begins
8:25-9:30	Instruction **(65 Minutes)**	8:25-9:30	Instruction **(65 Minutes)**	8:25-9:30	Instruction **(65 Minutes)**
9:30-9:45	Recess (15 Minutes)	9:30-9:45	Recess (15 Minutes)	9:30-9:45	Recess (15 Minutes)
9:45 -11:10	Instruction **(85 Minutes)**	9:45-11:10	Instruction **(85 Minutes)**	9:45-11:35	Instruction **(110 Minutes)**
11:10-11:45	Lunch (35 Minutes)	11:10-11:45	Lunch (35 Minutes)	11:35-12:10	Lunch (35 Minutes)
11:45-1:00	Instruction **(75 Minutes)**	11:45-1:00	Instruction **(75 Minutes)**	12:10-1:00	Instruction **(50 Minutes)**
Total 225: Minutes of Instruction		1:00-1:15	Recess (15 Minutes)	1:00-1:15	Recess (15 Minutes)
		1:15-2:35	Instruction **(80 Minutes)**	1:15-2:35	Instruction **(80 Minutes)**
		Total 305: Minutes of Instruction		**Total 305: Minutes of Instruction**	

2nd & 3rd		4th & 5th Grade		6th -8th Grade	
8:25	School Begins	8:10	School Begins	8:10	School Begins
8:25-9:45	Instruction **(80 Minutes)**	8:10-9:55	Instruction **(105 Minutes)**	8:10-9:55	Instruction **(105 Minutes)**
9:45-10:00	Recess (15 Minutes)	9:55-10:10	Recess (15 Minutes)	9:55-10:10	Recess (15 Minutes)
10:00-11:35	Instructional **(95 Minutes)**	10:10-12:15	Instruction**(125 Minutes)**	10:12-11:50	Instruction **(98 Minutes)**
11:35-12:10	Lunch (35 Minutes)	12:15-12:50	Lunch (35 Minutes)	11:50-12:25	Lunch (35 Minutes)
12:10-1:15	Instruction **(65 Minutes)**	12:50-2:40	Instruction **(110 Minutes)**	12:27-2:40	Instruction **(133 Minutes)**
1:15-1:30	Recess (15 Minutes)	**Total 340: Minutes of Instruction**		**Total 336: Minutes of Instruction**	
1:30-2:35	Instruction **(65 Minutes)**				
Total 305 Minutes of Instructional					

Early Release Day (Most Wednesdays) Schedule (TK-3 1:00 Dismissal/4-8 1:05 Dismissal)

TK/Kindergarten		1st / 2nd / 3rd	
8:25	School Begins	8:25	School Begins
8:25-9:30	Instruction **(65 Minutes)**	8:25-9:45	Instruction **(80 Minutes)**
9:30-9:45	Recess (15 Minutes)	9:45-10:00	Recess (15 Minutes)
9:45 -11:10	Instruction **(85 Minutes)**	10:00-11:35	Instruction **(95 Minutes)**
11:10-11:45	Lunch (35 Minutes)	11:35-12:10	Lunch (35 Minutes)
11:45-1:00	Instruction **(75 Minutes)**	12:10-1:00	Instruction **(50 Minutes)**
Total 225 Minutes of Instruction		**Total 225 Minutes of Instruction**	

4th & 5th Grade		6th -8th Grade	
8:10	School Begins	8:10	School Begins
8:10-9:55	Instruction **(105 Minutes)**	8:10-9:25	Instruction **(75 Minutes)**
9:55-10:10	Recess (15 Minutes)	9:25-9:40	Recess (15 Minutes)
10:10-12:15	Instruction **(125 Minutes)**	9:42-12:00	Instruction **(138 Minutes)**
12:15-12:50	Lunch (35 Minutes)	12:00-12:35	Lunch (35 Minutes)
12:50-1:05	Instruction **(15 Minutes)**	12:38-1:05	Instruction **(27 Minutes)**
Total 245 Minutes of Instruction		**Total 240 Minutes of Instruction**	

Rainy Day on Early Release Day	
10:50-11:25	K-2nd Grade (35 Minutes)
11:25-12:00	3rd-5th Grade (35 Minutes)
12:00-12:35	6th -8th Grade (35 Minutes)

Board Approved:

MESA UNION SCHOOL DISTRICT
CLASSIFIED MONTHLY SALARY SCHEDULE
2017-2018
(1% Retroactive to July 1, 2017)

POSITION	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
	R2-001	2,096.47	2,201.30	2,311.35	2,426.93	2,548.27
		12.10	12.70	13.33	14.00	14.70
Student Supervisor	R2-002	2,146.59	2,253.92	2,366.61	2,484.94	2,609.19
		12.38	13.00	13.65	14.34	15.05
	R2-003	2,201.90	2,311.99	2,427.60	2,548.97	2,676.42
		12.70	13.34	14.01	14.71	15.44
Food Service Worker	R2-004	2,258.07	2,370.98	2,489.52	2,613.99	2,744.70
		13.03	13.68	14.36	15.08	15.84
	R2-005	2,314.24	2,429.95	2,551.45	2,679.03	2,812.97
		13.35	14.02	14.72	15.46	16.23
Instructional Assistant - (Regular)	R2-006	2,372.14	2,490.74	2,615.28	2,746.05	2,883.35
		13.69	14.37	15.09	15.84	16.64
	R2-007	2,430.90	2,552.44	2,680.07	2,814.07	2,954.78
		14.02	14.73	15.46	16.24	17.05
	R2-008	2,491.40	2,615.96	2,746.76	2,884.10	3,028.30
		14.37	15.09	15.85	16.64	17.47
	R2-009	2,552.74	2,680.39	2,814.41	2,955.13	3,102.88
		14.73	15.46	16.24	17.05	17.90
	R2-010	2,615.83	2,746.62	2,883.95	3,028.15	3,179.56
		15.09	15.85	16.64	17.47	18.34
Instructional Assistant -	R2-011	2,682.38	2,816.50	2,957.32	3,105.18	3,260.44
(Bilingual, PE, or Spec Ed)		15.48	16.25	17.06	17.91	18.81
	R2-012	2,748.92	2,886.36	3,030.68	3,182.21	3,341.32
		15.86	16.65	17.49	18.36	19.28
Office Assistant	R2-013	2,816.31	2,957.14	3,104.99	3,260.24	3,423.25
Bilingual Family Liason		16.25	17.06	17.91	18.81	19.75
Sr Food Service Worker/Cook	R2-014	2,888.04	3,032.44	3,184.07	3,343.27	3,510.44
Facilities Worker		16.66	17.50	18.37	19.29	20.25
Computer Resource Ctr Tech	R2-015	2,961.50	3,109.58	3,265.06	3,428.30	3,599.72
Library/Media Technician / Health Clerk		17.09	17.94	18.84	19.78	20.77
Bus Driver	R2-016	3,033.22	3,184.88	3,344.13	3,511.34	3,686.90
		17.50	18.37	19.29	20.26	21.27
	R2-017	3,111.00	3,266.55	3,429.88	3,601.37	3,781.44
		17.95	18.85	19.79	20.78	21.82
Department Secretary	R2-018	3,187.91	3,347.30	3,514.67	3,690.41	3,874.93
		18.39	19.31	20.28	21.29	22.36
	R2-019	3,268.28	3,431.70	3,603.28	3,783.44	3,972.61
Sr Facilities Worker		18.86	19.80	20.79	21.83	22.92
	R2-020	3,349.51	3,516.98	3,692.83	3,877.48	4,071.35
		19.32	20.29	21.31	22.37	23.49
School Administrative Assistant	R2-021	3,434.20	3,605.91	3,786.21	3,975.51	4,174.29
		19.81	20.80	21.84	22.94	24.08
	R2-022	3,519.75	3,695.74	3,880.52	4,074.55	4,278.28
		20.31	21.32	22.39	23.51	24.68
	R2-023	3,609.63	3,790.11	3,979.61	4,178.59	4,387.52
		20.83	21.87	22.96	24.11	25.31
	R2-024	3,701.23	3,886.29	4,080.60	4,284.63	4,498.86
		21.35	22.42	23.54	24.72	25.96
	R2-025	3,791.10	3,980.65	4,179.68	4,388.67	4,608.10
		21.87	22.97	24.11	25.32	26.59
	R2-026	3,886.16	4,080.46	4,284.49	4,498.71	4,723.65
		22.42	23.54	24.72	25.95	27.25
	R2-027	3,983.80	4,183.00	4,392.15	4,611.76	4,842.34
		22.98	24.13	25.34	26.61	27.94
	R2-028	4,084.06	4,288.26	4,502.67	4,727.80	4,964.19
		23.56	24.74	25.98	27.28	28.64

BLENDED POSITIONS	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Bus Driver/Maintenance Worker	B2-001	3,137.79	3,294.68	3,459.41	3,632.38	3,814.00
		18.10	19.01	19.96	20.96	22.00
Lead Bus Driver/Maintenance Worker	B2-002	3,294.20	3,458.91	3,631.86	3,813.45	4,004.12
		19.01	19.96	20.95	22.00	23.10

*5% Stipend for Instructional Aides that work with Physically Disablied Students

EFFECTIVE: July 1, 2017
BOARD ADOPTED:
REVISED: March 19, 2018

MESA UNION SCHOOL DISTRICT
CLASSIFIED MONTHLY SALARY SCHEDULE
2017-2018
(1% Retroactive to July 1, 2017)

CLERICAL	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Office Assistant	R2-013	2,816.31	2,957.14	3,104.99	3,260.24	3,423.25
		16.25	17.06	17.91	18.81	19.75
Bilingual Family Liason	R2-013	2,816.31	2,957.14	3,104.99	3,260.24	3,423.25
		16.25	17.06	17.91	18.81	19.75
Library/Media Technician	R2-015	2,961.50	3,109.58	3,265.06	3,428.30	3,599.72
		17.09	17.94	18.84	19.78	20.77
Health Clerk	R2-015	2,961.50	3,109.58	3,265.06	3,428.30	3,599.72
		17.09	17.94	18.84	19.78	20.77
Department Secretary	R2-018	3,187.91	3,347.30	3,514.67	3,690.41	3,874.93
		18.39	19.31	20.28	21.29	22.36
School Administrative Assistant	R2-021	3,434.20	3,605.91	3,786.21	3,975.51	4,174.29
		19.81	20.80	21.84	22.94	24.08
Special Education Administrative Assistant	R2-018	3,187.91	3,347.30	3,514.67	3,690.41	3,874.93
		18.39	19.31	20.28	21.29	22.36
Office Assistant II	R2-018	3,187.91	3,347.30	3,514.67	3,690.41	3,874.93
		18.39	19.31	20.28	21.29	22.36
FACILITIES	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Facilities Worker	R2-014	2,888.04	3,032.44	3,184.07	3,343.27	3,510.44
		16.66	17.50	18.37	19.29	20.25
Bus Driver	R2-016	3,033.22	3,184.88	3,344.13	3,511.34	3,686.90
		17.50	18.37	19.29	20.26	21.27
Sr Facilities Worker	R2-019	3,268.28	3,431.70	3,603.28	3,783.44	3,972.61
		18.86	19.80	20.79	21.83	22.92
FACILIITIES - BLENDED POSITIONS	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Bus Driver/Maintenance Worker	B2-001	3,137.79	3,294.68	3,459.41	3,632.38	3,814.00
		18.10	19.01	19.96	20.96	22.00
Lead Bus Driver/Maintenance Worker	B2-002	3,294.21	3,458.92	3,631.86	3,813.46	4,004.12
		19.01	19.96	20.95	22.00	23.10
FOOD SERVICE	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Food Service Worker	R2-004	2,258.07	2,370.97	2,489.52	2,614.00	2,744.70
		13.03	13.68	14.36	15.08	15.84
Sr Food Service Worker/Cook	R2-014	2,888.05	3,032.45	3,184.07	3,343.27	3,510.44
		16.66	17.50	18.37	19.29	20.25
INSTRUCTIONAL ASSISTANT	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Instructional Assistant - Regular	R2-009	2,552.74	2,680.39	2,814.41	2,955.13	3,102.88
		14.73	15.46	16.24	17.05	17.90
Instructional Assistant - Bilingual	R2-011	2,682.37	2,816.49	2,957.32	3,105.18	3,260.44
		15.48	16.25	17.06	17.91	18.81
Instructional Assistant - PE	R2-009	2,552.74	2,680.39	2,814.41	2,955.13	3,102.88
		14.73	15.46	16.24	17.05	17.90
Instructional Assistant - Special Ed	R2-011	2,682.37	2,816.49	2,957.32	3,105.18	3,260.44
		15.48	16.25	17.06	17.91	18.81
TECHNOLOGY	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Computer Resource Ctr Tech	R2-015	2,961.50	3,109.57	3,265.05	3,428.31	3,599.72
		17.09	17.94	18.84	19.78	20.77
UNREPRESENTED	**RANGE**	**STEP 1**	**STEP 2**	**STEP 3**	**STEP 4**	**STEP 5**
Student Supervisor	R2-002	2,146.59	2,253.92	2,366.62	2,484.95	2,609.19
		12.38	13.00	13.65	14.34	15.05

*5% Stipend for Instructional Aides that work with Physically Disablied Students

Monthly salary schedule calculated at 2.5% between ranges and 5% between steps.
Monthly salaries are based on 173.33 hours.
Substitutes will be paid on the first step excluding bus driver subs who will be paid on the fifth step.

HEALTH & WELFARE ANNUAL CAP: $10,907.80

Anniversary increments will be added to the monthly salary as follows:

	Percentage of Salary
L1 On the first day of the following month in which an employee completes 8 years =	2%
L2 On the first day of the following month in which an employee completes 11 years =	4%
L3 On the first day of the following month in which an employee completes 14 years =	6%
L4 On the first day of the following month in which an employee completes 19 years =	8%
L5 On the first day of the following month in which an employee completes 24 years =	10%

CF **** Confidential Stipend of 2% will be added to the monthly salary.

EFFECTIVE: July 1, 2016
BOARD ADOPTED:
REVISED: April 30, 2018

MESA UNION SCHOOL DISTRICT
CLASSIFIED MONTHLY SALARY SCHEDULE
2017 - 2018
(1% Retroactive to July 1, 2017)

POSITION	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	8 years Longevity 2% using Step 5	11 years Longevity 4% using Step 5	14 years Longevity 6% using Step 5	19 years Longevity 8% using Step 5	24 years Longevity 10% using Step 5
	R2-001	2,096.47	2,201.30	2,311.35	2,426.93	2,548.27	2,599.24	2,650.20	2,701.17	2,752.13	2,803.10
		12.10	12.70	13.33	14.00	14.70	15.00	15.29	15.58	15.88	16.17
Student Supervisor	R2-002	2,146.59	2,253.92	2,366.61	2,484.94	2,609.19	2,661.37	2,713.56	2,765.74	2,817.93	2,870.11
		12.38	13.00	13.65	14.34	15.05	15.35	15.66	15.96	16.26	16.56
	R2-003	2,201.90	2,311.99	2,427.60	2,548.97	2,676.42	2,729.95	2,783.48	2,837.01	2,890.53	2,944.06
		12.70	13.34	14.01	14.71	15.44	15.75	16.06	16.37	16.68	16.99
Food Service Worker	R2-004	2,258.07	2,370.98	2,489.52	2,613.99	2,744.70	2,799.59	2,854.49	2,909.38	2,964.28	3,019.17
		13.03	13.68	14.36	15.08	15.84	16.15	16.47	16.79	17.10	17.42
	R2-005	2,314.24	2,429.95	2,551.45	2,679.03	2,812.97	2,869.23	2,925.49	2,981.75	3,038.01	3,094.27
		13.35	14.02	14.72	15.46	16.23	16.55	16.88	17.20	17.53	17.85
	R2-006	2,372.14	2,490.74	2,615.28	2,746.05	2,883.35	2,941.02	2,998.68	3,056.35	3,114.02	3,171.69
		13.69	14.37	15.09	15.84	16.64	16.97	17.30	17.63	17.97	18.30
	R2-007	2,430.90	2,552.44	2,680.07	2,814.07	2,954.78	3,013.88	3,072.97	3,132.07	3,191.16	3,250.26
		14.02	14.73	15.46	16.24	17.05	17.39	17.73	18.07	18.41	18.75
	R2-008	2,491.40	2,615.96	2,746.76	2,884.10	3,028.30	3,088.87	3,149.43	3,210.00	3,270.56	3,331.13
		14.37	15.09	15.85	16.64	17.47	17.82	18.17	18.52	18.87	19.22
Instructional Assistant - (Regular)	R2-009	2,552.74	2,680.39	2,814.41	2,955.13	3,102.88	3,164.94	3,227.00	3,289.05	3,351.11	3,413.17
Instructional Assistant - (PE)		14.73	15.46	16.24	17.05	17.90	18.26	18.62	18.98	19.33	19.69
	R2-010	2,615.83	2,746.62	2,883.95	3,028.15	3,179.56	3,243.15	3,306.74	3,370.33	3,433.92	3,497.52
		15.09	15.85	16.64	17.47	18.34	18.71	19.08	19.44	19.81	20.18
Instructional Assistant -	R2-011	2,682.38	2,816.50	2,957.32	3,105.18	3,260.44	3,325.65	3,390.86	3,456.07	3,521.28	3,586.48
(Bilingual or Spec Ed)		15.48	16.25	17.06	17.91	18.81	19.19	19.56	19.94	20.32	20.69
	R2-012	2,748.92	2,886.36	3,030.68	3,182.21	3,341.32	3,408.15	3,474.97	3,541.80	3,608.63	3,675.45
		15.86	16.65	17.49	18.36	19.28	19.66	20.05	20.43	20.82	21.20
Office Assistant	R2-013	2,816.31	2,957.14	3,104.99	3,260.24	3,423.25	3,491.72	3,560.18	3,628.65	3,697.11	3,765.58
Bilingual Family Liason		16.25	17.06	17.91	18.81	19.75	20.14	20.54	20.93	21.33	21.72
Sr Food Service Worker/Cook	R2-014	2,888.04	3,032.44	3,184.07	3,343.27	3,510.44	3,580.65	3,650.86	3,721.07	3,791.28	3,861.48
Facilities Worker		16.66	17.50	18.37	19.29	20.25	20.66	21.06	21.47	21.87	22.28
Computer Resource Ctr Tech	R2-015	2,961.50	3,109.58	3,265.06	3,428.30	3,599.72	3,671.71	3,743.71	3,815.70	3,887.70	3,959.69
Library/Media Technician / Health Clerk		17.09	17.94	18.84	19.78	20.77	21.18	21.60	22.01	22.43	22.84
Bus Driver	R2-016	3,033.22	3,184.88	3,344.13	3,511.34	3,686.90	3,760.64	3,834.38	3,908.11	3,981.85	4,055.59
		17.50	18.37	19.29	20.26	21.27	21.70	22.12	22.55	22.97	23.40
	R2-017	3,111.00	3,266.55	3,429.88	3,601.37	3,781.44	3,857.07	3,932.70	4,008.33	4,083.96	4,159.58
		17.95	18.85	19.79	20.78	21.82	22.25	22.69	23.13	23.56	24.00
Department Secretary		3,187.91	3,347.30	3,514.67	3,690.41	3,874.93	3,952.43	4,029.93	4,107.43	4,184.92	4,262.42
Office Assistant II	R2-018	18.39	19.31	20.28	21.29	22.36	22.80	23.25	23.70	24.14	24.59
Special Education Administrative Assistant											
	R2-019	3,268.28	3,431.70	3,603.28	3,783.44	3,972.61	4,052.06	4,131.51	4,210.97	4,290.42	4,369.87
Sr Facilities Worker		18.86	19.80	20.79	21.83	22.92	23.38	23.84	24.29	24.75	25.21
	R2-020	3,349.51	3,516.98	3,692.83	3,877.48	4,071.35	4,152.78	4,234.20	4,315.63	4,397.06	4,478.49
		19.32	20.29	21.31	22.37	23.49	23.96	24.43	24.90	25.37	25.84
School Administrative Assistant	R2-021	3,434.20	3,605.91	3,786.21	3,975.51	4,174.29	4,257.78	4,341.26	4,424.75	4,508.23	4,591.72
		19.81	20.80	21.84	22.94	24.08	24.56	25.05	25.53	26.01	26.49
	R2-022	3,519.75	3,695.74	3,880.52	4,074.55	4,278.28	4,363.85	4,449.41	4,534.98	4,620.54	4,706.11
		20.31	21.32	22.39	23.51	24.68	25.18	25.67	26.16	26.66	27.15
	R2-023	3,609.63	3,790.11	3,979.61	4,178.59	4,387.52	4,475.27	4,563.02	4,650.77	4,738.52	4,826.27
		20.83	21.87	22.96	24.11	25.31	25.82	26.33	26.83	27.34	27.84
	R2-024	3,701.23	3,886.29	4,080.60	4,284.63	4,498.86	4,588.84	4,678.81	4,768.79	4,858.77	4,948.75
		21.35	22.42	23.54	24.72	25.96	26.47	26.99	27.51	28.03	28.55
	R2-025	3,791.10	3,980.65	4,179.68	4,388.67	4,608.10	4,700.26	4,792.42	4,884.59	4,976.75	5,068.91
		21.87	22.97	24.11	25.32	26.59	27.12	27.65	28.18	28.71	29.24
	R2-026	3,886.16	4,080.46	4,284.49	4,498.71	4,723.65	4,818.12	4,912.60	5,007.07	5,101.54	5,196.02
		22.42	23.54	24.72	25.95	27.25	27.80	28.34	28.89	29.43	29.98
	R2-027	3,983.80	4,183.00	4,392.15	4,611.76	4,842.34	4,939.19	5,036.03	5,132.88	5,229.73	5,326.57
		22.98	24.13	25.34	26.61	27.94	28.50	29.05	29.61	30.17	30.73
	R2-028	4,084.06	4,288.26	4,502.67	4,727.80	4,964.19	5,063.47	5,162.76	5,262.04	5,361.33	5,460.61
		23.56	24.74	25.98	27.28	28.64	29.21	29.79	30.36	30.93	31.50

MESA UNION SCHOOL DISTRICT
CLASSIFIED MONTHLY SALARY SCHEDULE
2017 - 2018
(1% Retroactive to July 1, 2017)

POSITION	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	8 years Longevity 2% using Step 5	11 years Longevity 4% using Step 5	14 years Longevity 6% using Step 5	19 years Longevity 8% using Step 5	24 years Longevity 10% using Step 5
BLENDED POSITIONS											
Bus Driver/Maintenance Worker	B2-001	3,137.79	3,294.68	3,459.41	3,632.38	3,814.00	3,890.28	3,966.56	4,042.84	4,119.12	4,195.40
		18.10	19.01	19.96	20.96	22.00	22.44	22.88	23.32	23.76	24.20
Lead Bus Driver/Maintenance Worker	B2-002	3,294.21	3,458.92	3,631.86	3,813.46	4,004.12	4,084.20	4,164.28	4,244.37	4,324.45	4,404.53
		19.01	19.96	20.95	22.00	23.10	23.56	24.03	24.49	24.95	25.41

*5% Stipend for Instructional Aides that work with Physically Disablied Students

Monthly salary schedule calculated at 2.5% between ranges and 5% between steps.

HEALTH & WELFARE ANNUAL CAP: $10,907.80

Monthly salaries are based on 173.33 hours.

Substitutes will be paid on the first step excluding bus driver subs who will be paid on the fifth step.

Anniversary increments will be added to the monthly salary as follows:

	Percentage of Salary
L1 On the first day of the following month in which an employee completes 8 years =	2%
L2 On the first day of the following month in which an employee completes 11 years =	4%
L3 On the first day of the following month in which an employee completes 14 years =	6%
L4 On the first day of the following month in which an employee completes 19 years =	8%
L5 On the first day of the following month in which an employee completes 24 years =	10%

CF **** Confidential Stipend of 2% will be added to the monthly salary.

EFFECTIVE: July 1, 2017
BOARD ADOPTED:
REVISED: April 30, 2018

MESA UNION SCHOOL DISTRICT

CLASSIFIED CONFIDENTIAL MONTHLY SALARY SCHEDULE

2017 - 2018

Position	Schedule	Step 1	Step 2	Step 3	Step 4	Step 5
Executive Assistant	CL CON-029	$4,397.74	$4,617.63	$4,848.52	$5,090.94	$5,345.49
		$25.37	$26.64	$27.97	$29.37	$30.84

HEALTH & WELFARE ANNUAL CAP: $10,907.80

Monthly salaries are based on 173.33 hours.

CF **** Confidential Stipend of 2% will be added to the monthly salary.

EFFECTIVE: July 1, 2017

BOARD ADOPTED:

REVISED: March 19, 2018

Position	Schedule		Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Assistant Principal		5.50%	Annual	$83,017.00	$87,583.00	$92,400.00	$97,482.00	$102,844.00	$108,500
			Daily - 210 Days	$395.00	$417.00	$440.00	$464.00	$490.00	$517.00

State of California
Commission on Teacher Credentialing
Certification Division
1900 Capitol Avenue
Sacramento, CA 95811-4213

Email: credentials@ctc.ca.gov
Website: www.ctc.ca.gov

DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

Original Declaration of Need for year: 2018-2019

Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT

Name of District: Mesa Union School District District CDS Code: 56-72470

Name of County: _____ County CDS Code: _____

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 04 /17 /18 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

▶ ***Enclose a copy of the board agenda item***

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2019.

Submitted by (Superintendent, Board Secretary, or Designee):

Jeff Turner		Superintendent
Name	*Signature*	*Title*
805-485-4387	805-485-1411	4/17/2018
Fax Number	*Telephone Number*	*Date*

_____
Mailing Address

_____
EMail Address

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County _____ County CDS Code _____

Name of State Agency _____

Name of NPS/NPA _____ County of Location _____

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

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

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

Submitted by Superintendent, Director, or Designee:

Name	*Signature*	*Title*
Fax Number	*Telephone Number*	*Date*

Mailing Address

EMail Address

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

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

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

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

Type of Emergency Permit	**Estimated Number Needed**
CLAD/English Learner Authorization (applicant already holds teaching credential)	1
Bilingual Authorization (applicant already holds teaching credential)	1
List target language(s) for bilingual authorization: Spanish	
Resource Specialist	1
Teacher Librarian Services	1

LIMITED ASSIGNMENT PERMITS

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

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

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	1
Single Subject	1
Special Education	1
TOTAL	3

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

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

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

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

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes ☑ No ☐

If no, explain. _____

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

If yes, how many interns do you expect to have this year? 4

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

Cal State Channel Islands

_____

_____

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

_____

_____

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ANNUAL STATEMENT OF NEED
30-DAY SUBSTITUTE and DESIGNATED SUBJECTS CAREER TECHNICAL EDUCATION 30-DAY SUBSTITUTE TEACHING PERMITS

INSTRUCTIONS TO THE EMPLOYER

This statement of need must be filed at the school district office each school year when employing holders of Emergency 30-Day Substitute Permits. The employing agency will complete a single statement of need form (below) and retain the form at the school district office.

The form must be completed annually, indicating that either no credentialed person is available or that those available are not deemed qualified for substitute teaching and details of the circumstances that necessitate the use of emergency permit holders rather than fully credentialed teachers.

This statement of need form does not require listing specific employees or their positions. The form must be signed by the superintendent of the employing school district. It does not need to be co-signed by the county superintendent of schools.

A copy of the form does not need to be submitted to the county or the Commission with each Emergency 30-Day Substitute Teaching Permit application; however, the county superintendent of schools, whose responsibilities include areas such as district payroll or district substitute placement, may request a copy of the district's statement of need form to accurately fulfill these duties.

County superintendent of schools offices employing holders of the Emergency 30-Day Substitute Teaching Permit are also required to annually file, at their office, this completed statement of need form. The county superintendent of schools will sign the form.

The Commission does not require that the school board approve the statement of need. The individual school district may establish its own policy regarding this matter.

References: California Education Code, Sections 44225 and 44300 and California Code of Regulations, Title 5, Sections 80023, 80025 and 80026

This form must be signed by either:

☑ The district superintendent of schools and filed at the school district office if the holder of any Emergency 30-Day Substitute Teaching Permit will be employed as a substitute in a public school operated by a school district.

OR

☐ The county superintendent of schools and filed at the county superintendent of schools' office if the holder of any Emergency 30-Day Substitute Teaching Permit will be employed as a substitute in a county-operated school.

Certification and Authorized Signature

The district superintendent of schools or the county superintendent of schools has reviewed the information contained in this statement of need and certifies one the following:

☑ Either a credentialed person is not available or one or more credentialed persons are available, but are not deemed qualified by the district or county, as applicable, to serve as a day-to-day substitute teacher.

OR

☐ The situation or circumstances that necessitate the use of an emergency permit holder are as follows: (Attach additional sheets, if necessary.)

I hereby certify that all of the information contained in this statement of need is true and correct.

	Mesa Union School District	4/17/2018
Signature of the District Superintendent	*District*	*Date*
Signature of the County Superintendent of Schools	*County*	*Date*

It is not necessary to submit this form to the Commission on Teacher Credentialing.

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

DISTRICT/CHARTER Mesa Union School District

Person completing this form: Erica Magdaleno Title: Executive Assistant

Quarterly Report Submission Date: (*check one*)

- ☑ April 2018 (January 1 through March 31)
- ☐ July 20____ (April 1 through June 30)
- ☐ October 20____ (July 1 through September 30)
- ☐ January 20____ (October 1 through December 31)

Date for information to be reported publicly at governing board meeting: _____

Please check the box that applies:

☐ No complaints were filed with any school in the district during the quarter indicated above.

☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		

_____

Signature of District Superintendent

4/17/2018

Date

NOTICE OF COMPLETION

Notice is hereby given that the Mesa Union School District, a school district in Ventura County, is the owner in fee of the following described real property, to wit:

Description:
3901 N. Mesa School Road, Somis, CA 93066

That on or about the 16 day of August, 2017, the said Mesa Union School District of Ventura County entered into a contract with Alliance Building Solutions, Inc for the Prop 39 - Energy Service Contract on that certain real property hereinbefore described; that said building(s) and improvements were actually completed on the 12 day of March, 2018; that the address of said Mesa Union School District is 3901 N. Mesa School Road, Somis, CA 93066, Ventura County, California.

Mesa Union School District

Clerk of its Board of Trustees

Agent of the Board of Trustees

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulnesss, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF VENTURA }ss:

, being first duly sworn deposes and says: that he/she is clerk/agent of the Board of Trustees of the School District, a school district of Ventura County, California; that he therefore verifies the foregoing Notice of Completion on behalf of said School District; that the School District of Ventura County, California, is owner of the property described in the foregoing notice; that he has read the foregoing notice and knows the contents thereof; that he has personal knowledge of the facts therein stated; that the same are true.

Subscribed and sworn to (or affirmed) before me on this ___ day of ,by , personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

NOTICE OF COMPLETION

Notice is hereby given that the Mesa Union School District, a school district in Ventura County, is the owner in fee of the following described real property, to wit:

Description:
3901 N. Mesa School Road, Somis, CA 93066

That on or about the 15 day of December , 2017 , the said Mesa Union School District of Ventura County entered into a contract with MSFG, Inc., dba Affordable Plumbing Pros for the
Septic Tank Installation

on that certain real property hereinbefore described; that said building(s) and improvements were actually completed on the 29 day of March , 2018 ; that the address of said Mesa Union School District is 3901 N. Mesa School Road, Somis, CA 93066 , Ventura County, California.

Mesa Union School District

Clerk of its Board of Trustees

Agent of the Board of Trustees

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulnesss, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF VENTURA }ss:

, being first duly sworn deposes and says: that he/she is clerk/agent of the Board of Trustees of the School District, a school district of Ventura County, California; that he therefore verifies the foregoing Notice of Completion on behalf of said School District; that the School District of Ventura County, California, is owner of the property described in the foregoing notice; that he has read the foregoing notice and knows the contents thereof; that he has personal knowledge of the facts therein stated; that the same are true.

Subscribed and sworn to (or affirmed) before me on this ___ day of ,by , personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

CSBA Sample

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

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. Pursuant to 5 CCR 4610, the UCP must meet specified requirements for investigating and resolving complaints alleging (1) noncompliance with state and federal laws and regulations governing educational programs; (2) noncompliance with state law prohibiting the charging of student fees; and (3) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying). Although some bullying incidents may not fall within the provisions of 5 CCR 4610, BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve unlawful discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Note: Education Code 52075 mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. In addition, state law authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students; educational rights of foster youth, homeless students, former juvenile court school students, and children of military families; assignment of students to courses without educational content; and physical education instructional minutes, as specified in items #3 and #6-9 below. Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

***Note: 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. ***

***Note: The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title II of the Americans with Disabilities Act (20 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 procedures to be "prompt and equitable." The factors OCR examines to evaluate each district's procedures are specified in the accompanying administrative regulation, including whether and how the procedures (1) provide notice of the procedures 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. ***

***Note: The following policy and accompanying administrative regulation reflect all components required by law and are consistent with CDE's Sample UCP Board Policies and Procedures and the FPM instrument. Additional details provided herein may help school districts and county offices of education 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 the UCP

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

***Note: The FPM process includes a review of the 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. Item #1 lists all programs identified on the FPM instrument and should be revised to reflect the programs offered by the district. If the district does not list all such programs in its policy, it is required to comment in the FPM which programs and activities are not in operation. ***

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs,

Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

(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)

***Note: As amended by AB 699 (Ch. 493, Statutes of 2017), Education Code 200, 220, and 234.1 expressly include immigration status as a prohibited basis for discrimination in district programs and activities. See BP 0410 - Nondiscrimination in District Programs and Activities. ***

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, 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, 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 his/her 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 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)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal 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 or district, school 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 #7-8 are for use by districts that maintain high schools.***~~

~~***Note: As amended by AB 365 (Ch. 739, Statutes of 2017), Education Code 51225.1 and 51225.2 authorize the use of the UCP for any complaint alleging the district's noncompliance with specified educational rights of children of military families.***~~

~~7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)~~

~~(cf. 6173 - Education for Homeless Children)~~
~~(cf. 6173.2 - Education of Children of Military Families)~~
~~(cf. 6173.3 - Education for Juvenile Court School Students)~~

~~8. 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)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #10 below.

10. 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.

11. 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 a resolution to the complaint that is acceptable to all parties. ADR 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 he/she is 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 the 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 related requirements, 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 ever 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 records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

***Note: 5 CCR 4611 details complaint issues that are not subject to the 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, the County 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.

Note: Education Code 35186 requires the district to use the 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 shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
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
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected 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
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
104420 Tobacco-Use Prevention Education
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I basic programs
6801-7014 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities
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
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
CODE OF FEDERAL REGULATIONS, TITLE 34
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
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
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: http://familypolicy.ed.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/ocr
U.S. Department of Justice: http://www.justice.gov

(9/16 5/17) 3/18

CSBA Sample
Administrative Regulation
Uniform Complaint Procedures

AR 1312.3
Community Relations

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4687. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP).

Note: 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.

Note: Apart from these mandates, state law authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, and children of military families; assignment of students to courses without educational content; and physical education instructional minutes, as specified in the accompanying Board policy.

Except as the Governing Board 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) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(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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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 he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving 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 provide that employees responsible for compliance and/or for investigating and resolving complaints are 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: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. Education Code 51225.1-51225.2, as amended by AB 365 (Ch. 739, Statutes of 2017), require that the notice include information about specified educational rights of children of military families who transfer into the district after their second year of high school. Districts that do not maintain high schools may revise the following paragraph to delete notification related to the rights of homeless students, former juvenile court school students, and children of military families.***~~

~~***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. A sample of the annual notice is available through the CDE web site. In addition, 28 CFR 35.107, 34 CFR 106.8, and 34 CFR 110.25 require the district to publish its complaint procedures covering unlawful discrimination.***~~

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. The notification shall include information regarding

the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)

~~***Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the complaint procedures as specified in items #1-4 below.***~~

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable

3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4. Include statements that:

a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date 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.

d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

Note: Education Code 52075 requires that information regarding LCAP requirements be included in the district's annual notification. See BP/AR 0460 - Local Control and Accountability Plan for details of the LCAP and specific requirements for its adoption and implementation.

g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

~~***Note: Pursuant to Education Code 48853, 48853.5, and 49069.5, as well as, 51225.1-51225.2 as amended by AB 365 (Ch. 739, Statutes of 2017), the UCP notice must include information regarding certain educational rights of foster youth, homeless students, former juvenile court school students, and children of military families, as provided in items #4h and i below. Pursuant to Education Code 48853.5, CDE is required to develop a standardized notice of the rights of foster youth in consultation with the California Foster Youth Education Task Force, and to make it available for dissemination by posting it on its Internet Web site.***~~

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

~~i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:~~

~~(1) Accept any coursework or part of the coursework that the student has satisfactorily~~

completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

J. The complainant has a right to appeal the district's decision to CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

Note: Pursuant to federal law, including 34 CFR 106.8, the district is required to establish "prompt and equitable" procedures for investigating and resolving complaints alleging unlawful discrimination. The following statement reflects OCR's interpretation of such provisions as requiring fairness and equity not just for a complainant but for a respondent as well.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

K. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

Note: CDE staff will review the notice during the FPM process to ensure that the public is made aware of the district's obligation to provide copies of the UCP free of charge pursuant to 5 CCR 4622.

L. 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 school 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.

District Responsibilities

Note: 5 CCR 4631 requires that UCP complaints be investigated and completely resolved within 60 calendar days of the receipt of the complaint. Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

Note: The following paragraph reflects recommendation by OCR to ensure equity in the resolution process of a complaint alleging unlawful discrimination and may be modified to reflect district practice.

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer 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.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complainants shall be protected from retaliation.

Filing of Complaints

~~***Note: Complaints filed under the 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, he/she 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 him/her 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 the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 mandates 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. Pursuant to Education Code 52075, anonymous complaints are permitted with regard to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay 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 a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when 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 his/her 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 he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her 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 the compliance officer receives the complaint, he/she 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 his/her 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 his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or

his/her 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 his/her 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. He/she 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 EPM 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)

Note: In determining the truth of any allegation, the district should apply the correct standard of proof to the situation. For example, with allegations of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) or retaliation, OCR uses the "preponderance of the evidence" (more likely than not) standard. Any standard of proof that is more rigorous than required by law could subject a district to liability.

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

OPTION 2:

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, he/she may, within five business days, file his/her 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.

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)

Note: Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report, and to file his/her complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination, to ensure the process is equitable for all involved. Districts that selected Option 1 should delete reference to filing of a complaint with the Board in the following paragraph.

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

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.

Note: 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 attends 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. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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 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: During the EPM 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. He/she 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

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.

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

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

9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

7. Disciplinary action, such as suspension or expulsion, as permitted by law

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.

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 elementary students' physical education, pursuant to Education Code 51223. Districts that do not maintain elementary schools should delete reference to physical education from the following paragraph.***~~

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

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, 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 any complainant may appeal the district's decision to CDE, as provided below. Pursuant to Education Code 49013, the district is mandated to adopt procedures that include the right to appeal to CDE, in accordance with 5 CCR 4632, when a complainant is dissatisfied with the district's decision on his/her complaint alleging noncompliance with the law that prohibits districts from requiring students to pay fees, deposits, or charges for their participation in educational activities. Such procedures are also mandated by Education Code 52075 with regard to complaints alleging noncompliance with requirements related to the LCAP.***~~

~~***Note: Authority to appeal the district's decision is also available to a complainant who alleges noncompliance with laws regarding (1) the provision of reasonable accommodation to a lactating student; (2) the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families; (3) the assignment of a high school student to a course without educational content; and (4) the required instructional minutes for elementary students' physical education, as specified in items #3 and #6-9 of the accompanying Board policy.***~~

Any complainant who is dissatisfied with the district's final written decision of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 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, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent 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)

Upon notification by CDE that the complainant or respondent has appealed the district's decision, 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 uniform complaint procedures

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 alleges that he/she 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.

(9/16 5/17) 3/18

CSBA Sample
Administrative Regulation
Federal Grant Funds

AR 3230
Business and Noninstructional Operations

Note: The following administrative regulation reflects the major requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII, which governs the use of federal formula and discretionary grant funds awarded to districts. Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is mandated to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs.

Note: Public Contract Code 20111, as amended by SB 544 (Ch. 395, Statutes of 2017), clarifies that districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326.

Note: It is recommended that the district expand the following regulation and/or maintain a comprehensive procedures manual which contains internal controls and grant management standards used by the district to ensure the lawful expenditure of federal funds, including, but not limited to, procedures and protocols for cash management, procurement, inventory management, allowability of expenditures, "time and effort" reporting by personnel, and record retention.

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the district, the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

Allowable Costs

Note: 2 CFR 200.302 mandates that districts develop written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. Districts may revise this section or their detailed procedures manual to reflect those requirements.

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be

allocated to the federal grant.

(cf. 3350 - Travel Expenses)

Note: Pursuant to Education Code 42126, which requires the Superintendent of Public Instruction to prescribe a uniform format for district budgets, districts are required to use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board. The California Department of Education's California School Accounting Manual provides guidance regarding coding of revenues and expenditures and reflects the Uniform Guidance.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)
(cf. 3314 - Payment for Goods and Services)

Period of Performance

Note: Pursuant to 2 CFR 200.343, any federal funds that are not obligated or paid within the appropriate timeframes must be returned to the awarding agency. Thus, districts should closely monitor spending throughout the grant cycle.

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

Note: 2 CFR 200.110, as amended by 82 Fed. Reg. 22609, authorizes districts to delay implementation of the procurement standards in the Uniform Guidance (2 CFR 200.317-200.326) until July 1, 2018 or such later date as may be approved in the Uniform Guidance. Districts that choose to delay implementation are mandated by 2 CFR 200.110 to document this decision in their procurement policies and should revise the following paragraph accordingly.

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.326 and Appendix II of Part 200, or with any applicable state law or district policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into

an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

Note: 2 CFR 200.318 mandates that districts have written procedures that address all applicable laws regarding the use of federal grant funds in procurement transactions. The U.S. Department of Education's (USDOE) Questions and Answers Regarding 2 CFR Part 200 clarifies that such procedures must address issues related to the bid process (e.g., source evaluation, protests, and claims) since 2 CFR 200.318 provides that the district is solely responsible for settlement of all contractual and administrative issues arising out of the procurement process.

Note: The following list reflects major requirements contained in the Uniform Guidance. Districts may revise the following list or the district's comprehensive procedures manual to include additional detail, such as a description of the documents that will be used (e.g., purchase order, requisition), staff responsibilities, and the process for soliciting and receiving bids.

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

Note: 2 CFR 200.67 permits districts to establish simplified procurement procedures for "micro-purchases," as described in item #1 below. Pursuant to 48 CFR 2.101, the threshold for such purchases is $3,500 except as otherwise specified, and will be periodically adjusted for inflation. Use of the simplified procedures requires that the district determine the price to be "reasonable." According to the USDOE's Questions and Answers Regarding 2 CFR Part 200, a documented review of web sites would meet this requirement.

Note: The "small purchases" limit under the Uniform Guidance (item #2 below) is $150,000. However, the more restrictive California bid limits in Public Contract Code 20111 and district procurement policies must be applied to define the "small purchase" requirements.

Note: Any purchases above the California bid limits (see BP/AR 3311 - Bids) must follow California law.

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)

2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)

3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from

bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)

6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

Note: 2 CFR 200.213 restricts districts from procuring goods or services from entities that have been suspended or otherwise exoluded from participation in federal assistance programs or activities. Districts may require certification of eligibility from the vendor or use the federal System for Award Management web site to determine whether a particular entity has been excluded.

For any purchase of $25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

Note: 2 CFR 200.319 mandates that districts have written procedures for procurement transactions that include the following components.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall

identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

~~***Note: 2 CFR 200.313 and 200.439 require a district receiving federal grant funds to obtain prior written approval from the awarding agency before incurring the cost of a capital expenditure, as defined in 2 CFR 200.12 and 200.13. See AR 3512 - Equipment for further information about requirements related to equipment purchased with federal funds, including labeling, maintenance, and inventory of the equipment and continued use of the equipment after the program ceases to be supported by federal funds.***~~

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

~~***Note: 2 CFR 200.318 mandates that districts maintain written standards of conduct covering conflicts of interest and the performance of employees engaged in the selection, award, and administration of contracts.***~~

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

(cf. 9270 - Conflict of Interest)

Cash Management

Note: Pursuant to 2 CFR 200.302, districts are mandated to develop written procedures to implement the requirements of 2 CFR 200.305.

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

Note: Pursuant to 2 CFR 200.305, a district may be paid in advance by the awarding agency if it maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement by the district as well as financial management systems that meet the standards for fund control and accountability as established in the Uniform Guidance.

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

Note: In order to charge staff compensation as an allowable expense of federal grant funds pursuant to 2 CFR 200.430, employees must document the amount of time they spend on grant activities supported by federal funds. These documents, known as "time and effort" records, are used to charge the costs of personnel compensation to federal grants. It is recommended that the district's administrative regulation reflect district practice for documenting time and effort, such as the type of documentation maintained, signature requirements, how often certifications will be completed, and review of the records by a supervisor.

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

Audits

~~***Note: Pursuant to 2 CFR 200.501, districts that expend $750,000 or more in federal grant funds during a fiscal year must have a single audit conducted in accordance with 2 CFR 200.514, unless it chooses to have a program-specific audit conducted in accordance with 2 CFR 200.507. Districts that expend more than $50 million in federal funds are subject to the requirements specified in 2 CFR 200.513. District audits are also subject to the requirements in Education Code 41020, the state Education Audit Appeal Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, and the California Department of Education Audit Guide. See BP/AR 3460 - Financial Reports and Accountability for further information about audit requirements.***~~

~~***Note: Pursuant to 2 CFR 200.501, districts that expend less than $750,000 in federal grant funds per fiscal year are exempt from federal audit requirements but must make records available for review or audit by the awarding agency, the pass-through entity, and U.S. Government Accountability Office. Such districts may delete the following section.***~~

Whenever the district expends $750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or

demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

CSBA Sample
Administrative Regulation
Integrated Pest Management

AR 3514.2
Business and Noninstructional Operations

~~***Note: The following administrative regulation reflects the Healthy Schools Act of 2000 (Education Code 17608-17614; Food and Agriculture Code 13180-13188), which encourages the use of effective, least-toxic pest management practices for the control and management of pests on school campuses. The California Department of Pesticide Regulation (DPR) has established an integrated pest management (IPM) program for use by school districts, including a model program guidebook, a template for an IPM plan, and a web site containing a comprehensive directory of resources describing and promoting the use of IPM practices.***~~

Definitions

Integrated pest management (IPM) means a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Education Code 17609; Food and Agricultural Code 13181)

(cf. 3510 - Green School Operations)

School site means any facility used as a child day care facility or for kindergarten, elementary, or secondary school purposes and includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by students. (Education Code 17609)

Program Components

The Superintendent or designee shall designate an employee at the district office and/or school site to develop, implement, and coordinate an IPM strategy that incorporates effective, least toxic pest management practices.

The IPM coordinator shall prepare and annually update a districtwide or school site IPM plan based on the template provided by the California Department of Pesticide Regulation (DPR).

The IPM plan shall include the name of the district and/or school IPM coordinator, the pesticides expected to be applied at the school site by district employees and/or pest control applicators, and a date that the plan shall be reviewed and, if necessary, updated. (Education Code 17611.5)

The district shall use pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment. Such pesticides shall only be used

after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

Note: Pursuant to Education Code 17610.5, certain pesticides are exempt from the notification, recordkeeping, and reporting requirements of Education Code 17611 and 17612. The exempted products are listed in 3 CCR 6147 and on the DPR's web site.

The IPM plan and this administrative regulation shall not apply to reduced-risk pesticides, including self-contained baits or traps, gels or pastes used for crack and crevice treatments, antimicrobials, and pesticides exempt from registration by law. (Education Code 17610.5; 3 CCR 6147)

Note: The following list reflects IPM measures recommended by the DPR in its California School IPM Model Program Guidebook and by the U.S. Environmental Protection Agency (EPA) and may be modified to reflect district practice.

The district's program shall include, but not necessarily be limited to, the following components:

1. Identifying and monitoring pest population levels and identifying practices that could affect pest populations. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property, or the environment.

2. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazards that would indicate corrective action should be taken.

3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.

4. Considering a full range of possible alternative cost-effective treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for the use of chemical control agents.

5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazardous effects to people and the environment.

Note: Education Code 17610.1 prohibits districts from using certain pesticides identified by DPR or EPA that have been granted only a conditional or interim registration or an experimental use permit, have had their registration cancelled or suspended, or are being phased out of use. A list of pesticides prohibited for use on school sites can be found on DPR's web site.

No pesticide that is prohibited by DPR or the U.S. Environmental Protection Agency, as listed on the DPR web site, shall be used at a school site. (Education Code 17610.1)

6. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and product label directions.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)

7. Informing parents/guardians and employees regarding pesticide use as described in the sections "Notifications" and "Warning Signs" below.

8. Ensuring that persons applying pesticides follow label precautions and are sufficiently trained in the principles and practices of IPM as described in the section "Training" below.

9. Evaluating the effectiveness of treatments to determine if revisions to the IPM plan are needed.

Training

The IPM coordinator and any employee or contractor who may be designated to apply a pesticide at a school site shall annually complete a DPR-approved training course on IPM and the safe use of pesticides in relation to the unique nature of school sites and children's health. (Education Code 17614; Food and Agricultural Code 13186.5)

(cf. 4231 - Staff Development)

Any district employee who handles pesticides shall also receive pesticide-specific safety training prior to applying pesticides and annually thereafter in accordance with 3 CCR 6724.

Notifications

~~***Note: Education Code 17612 requires the district to annually issue a written notification to employees and parents/guardians containing the information specified in items #1-6 below; see E 41.12.9/4212.9/4312.9 - Employee Notifications and E 5145.6 - Parental Notifications. A sample notification is available on the DPR web site. Education Code 17612 clarifies that the district is not required to issue the notice through first-class mail unless no other method is feasible. Pursuant to Education Code 17612 and 48980.3, the district may satisfy this requirement by including the notification in its annual parental notification.***~~

Staff and parents/guardians of students enrolled at a school site shall be annually notified, in writing, regarding pesticide products expected to be applied at the school site in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it

2. The Internet address (http://www.cdpr.ca.gov/schoolipm) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184

3. If the school has posted its IPM plan, the Internet address where the plan may be found

4. The opportunity to view a copy of the IPM plan in the school office

5. An opportunity for interested persons to register to receive prior notification of each application of a pesticide at the school site

6. Other information deemed necessary by the IPM coordinator

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3517 - Facilities Inspection)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Whenever a person registers to receive notice of individual pesticide application pursuant to item #5 above, the IPM coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application. (Education Code 17612)

If a pesticide product not included in the annual notification is subsequently intended for use at a school site, the IPM coordinator shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

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

If a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5, it shall post the school or district IPM plan on the school's web site or, if the school does not have a web site, then on the district web site. If neither the school nor district has a web site, then the IPM plan shall be included with the annual notification sent to staff and parents/guardians pursuant to Education Code 17612 as described above. When not required, the IPM coordinator may post or distribute the IPM plan at his/her discretion. (Education Code 17611.5)

~~***Note: Education Code 17612 exempts emergency conditions from strict compliance with the notification requirements. However, the IPM coordinator must make every effort to provide the required notification for an application of a pesticide under emergency conditions.***~~

Whenever the IPM coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

Warning Signs

~~***Note: Education Code 17612 requires posting of a warning sign in each area of a school site where pesticides will be applied. A sample warning sign can be found on the DPR web site.***~~

The IPM coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the following information: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area"

2. The product name, manufacturer's name, and the EPA's product registration number

3. Intended areas and dates of application

4. Reason for the pesticide application

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide to protect the health and safety of students, staff, or other persons or the school site, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

Records

~~***Note: Food and Agricultural Code 13186 requires pest control operators to report the use of pesticides at a school site to the county agricultural commissioner or director. Pursuant to Education Code 17611, any pesticide use that is not included in the report submitted pursuant to Food and Agricultural Code 13186 must be reported to DPR by the school designee as provided below. The form that must be used for this report is available on DPR's web site.***~~

At the end of each calendar year, the IPM coordinator shall submit to DPR, on a form provided by DPR, a copy of the records of all pesticide use at the school site for that year, excluding any pesticides exempted by law and any pesticide use reported by the pest control operator pursuant to Food and Agricultural Code 13186. The IPM coordinator may submit more frequent reports at his/her discretion. (Education Code 17611)

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. A school may meet this requirement by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Pesticide Use near School Site

Note: 3 CCR 6690-6692, as added by Register 2017, No. 45, prohibit the operator of the property (i.e., the grower) from making certain agricultural pesticide applications within one-quarter mile of a school site Monday through Friday between 6:00 a.m. and 6:00 p.m. Exceptions may apply based on the type of pesticide used, the application equipment used, and scheduled closures of the school, unless alternative restrictions are specified in a written agreement between the principal, grower, and county agricultural commissioner. Pursuant to 3 CCR 6692, a grower must notify the principal by April 30 each year, or within 30 days of a new purchase or lease of a field, regarding the pesticides that it expects to use within one-quarter mile of the school site from July 1 of the current year through June 30 of the subsequent year. The grower may use pesticides not listed in the annual notification as long as it amends the notification at least 48 hours before use. The following section addresses actions that the school may take upon receiving such notification, and may be revised to reflect district practice. Questions regarding pesticide safety should be directed to the county agricultural commissioner.

Upon receiving notification pursuant to 3 CCR 6692 that a grower expects to use agricultural pesticides within one-quarter mile of a school site Monday through Friday from 6:00 a.m. to 6:00 p.m., the principal or designee shall notify the Superintendent or designee, IPM coordinator, staff at the school site, and parents/guardians of students enrolled at the school.

The principal or designee may communicate with any grower within one-quarter mile of the school to request that the grower not apply pesticides during evenings or weekends when school activities are scheduled.

Legal Reference:
EDUCATION CODE
17366 Legislative intent (fitness of buildings for occupancy)
17608-17614 Healthy Schools Act of 2000
48980 Notice at beginning of term
48980.3 Notification of pesticides
BUSINESS AND PROFESSIONS CODE
8593.2 Licensed pest control operators; training requirements
FOOD AND AGRICULTURAL CODE
11401-12408 Pest control operations and agricultural chemicals
13180-13188 Healthy Schools Act of 2000
GOVERNMENT CODE
3543.2 Scope of representation; right to negotiate safety conditions
6250-6270 California Public Records Act
CODE OF REGULATIONS, TITLE 3
6147 Pesticides exempted from registration requirements

6690-6692 Pesticide use near school sites
6724 Training of employees handling pesticides
CODE OF REGULATIONS, TITLE 8
340-340.2 Employer's obligation to provide safety information
UNITED STATES CODE, TITLE 7
136-136y Insecticide, Fungicide and Rodentcide Act

Management Resources:
CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION PUBLICATIONS
California School IPM Model Program Guidebook
Healthy Schools Act Requirements for Public K-12 Schools
School District Integrated Pest Management Plan Template
U.S. ENVIRONMENTAL PROTECTION AGENCY
Pest Control in the School Environment: Implementing Integrated Pest Management (IPM), May 2017
WEB SITES
California Department of Education: http://www.cde.ca.gov
California Department of Pesticide Regulation, School IPM:
http://www.cdpr.ca.gov/schoolipm
U.S. Environmental Protection Agency, Integrated Pest Management at Schools:
http://www.epa.gov/managing-pests-schools

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CSBA Sample

Board Policy

Food Service Operations/Cafeteria Fund

BP 3551
Business and Noninstructional Operations

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

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

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

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311 - Bids)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 5030 - Student Wellness)

~~***Note: Pursuant to 42 USC 1776, the USDA has established minimum professional standards for food service personnel. With approval from the CDE, more flexible standards may be used in districts with average daily attendance of less than 500 or in districts of any size when hiring a new acting food services director. For more information about professional standards for food service directors, see CDE's Nutrition Services Division Management Bulletin SNP-17-2016.***~~

The Superintendent or designee shall ensure that all food service personnel possess the required qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law.

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

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

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

Meal Sales

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

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

Note: Pursuant to Education Code 38082, the Governing Board may adopt a resolution to authorize serving meals to additional persons other than those listed above. CDE's Nutrition Services Division Management Bulletin No. 00-111 states that the Board's policy or resolution must specify the means for serving those persons and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals. The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

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

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

***Note: Students who meet federal eligibility criteria for the reduced-price meal program

cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. For information about setting prices for full-price meals, see 42 USC 1760 and CDE's Nutrition Services Division Management Bulletin USDA-SNP-16-2012.***

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. See the accompanying administrative regulation for additional language fulfilling this mandate. Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), districts must make the meal charge policy public.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public.

Note: Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, the district's unpaid meals policy must ensure that students with unrecovered or delinquent debt are not overtly identified. In addition, Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees is not overtly identified, shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557.5)

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

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3553 - Free and Reduced Price Meals)

Cafeteria Fund

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

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

Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

OPTION 1: The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

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

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

(cf. 3230 - Federal Grant Funds)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

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

With Board approval, the district may enter into a contract for food service consulting services or

management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)

Procurement of Foods, Equipment and Supplies

Note: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. This provision indicates that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to USDA Memorandum SP-24-2016, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

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

Note: Pursuant to Education Code 49563, as added by SB 730 (Ch. 571, Statutes of 2017), the CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

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

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

Note: Pursuant to Food and Agriculture Code 58595, as added by AB 822 (Ch. 785, Statutes of 2017), a district that solicits bids for the purchase of an agricultural product must give preference for California-grown agricultural products, with certain conditions, as provided below.

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

Note: Pursuant to Public Contract Code 20111, as amended by SB 544 (Ch. 395, Statutes of 2017), districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

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

Program Monitoring and Evaluation

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

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

Note: During the Administrative Review, CDE will review district policies on charge accounts, alternate meals, unpaid meal charges, and guidelines for continually notifying parents/guardians of these policies.

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

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:
EDUCATION CODE
38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services
49550-49564.5 Meals for needy students
49580-49581 Food recovery program
FOOD AND AGRICULTURE CODE
58595 Preference for California-grown agricultural products
HEALTH AND SAFETY CODE
113700-114437 California Retail Food Code
PUBLIC CONTRACT CODE
2000-2002 Responsive bidders
20111 Contracts
CODE OF REGULATIONS, TITLE 5
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 2
200.56 Indirect costs, definition
200.318-200.326 Procurement standards
200.400-200.475 Cost principles
200 Appendix VII Indirect cost proposals
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
Food Distribution Program Administrative Manual
Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, NSD Management Bulletin, USDA-SNP-06-2015, May 2015
Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013
Paid Lunch Equity Requirement, NSD Management Bulletin, USDA-SNP-16-2012, October 2012
Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin 00-111, July 2000
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
FAQs About School Meals
Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017
Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016
Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016
Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
WEB SITES
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California School Nutrition Association: http://www.calsna.org
U.S. Department of Agriculture, Food and Nutrition Service: http://www.fns.usda.gov/cnd

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CSBA Sample
Administrative Regulation
Food Service Operations/Cafeteria Fund

AR 3551
Business and Noninstructional Operations

~~***Note: Districts that have one or more high-poverty schools operating under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school, should revise the following administrative regulation accordingly. Also see BP/AR 3553 - Free and Reduced Price Meals.***~~

Payments for Meals

~~***Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Nutrition Services Division Management Bulletin SNP-06-2015 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day.***~~

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

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

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

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)

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

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

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year

2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually

3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year

4. Posting the policy on the district's web site

5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

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

***Note: The following optional paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are

distributed or approved; (2) issues at least one advance warning to the student or his/her parent/guardian prior to refusing to issue a replacement ticket; and (3) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.***

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports his/her tickets as lost or stolen. However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

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

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

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

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

Unpaid and Delinquent Meal Charges

Note: The following section reflects requirements applicable to districts participating in the National School Lunch and/or Breakfast Program and may also be used by districts that do not participate in the program.

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. Such policy may be consistent for all students or vary by grade level. The following section may be revised to reflect district practice.

Note: Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), the district must notify parents/guardians within 10 days of a negative balance in their child's school meal account. Prior to sending the notification to the parent/guardian, the district must exhaust all options and methods to certify the student for free or reduced-price meals. The district is required to reimburse meal fees paid by the parent/guardian during any time that the student would have been eligible for free or reduced-price meals, to the extent that the expense is reimbursable under the National School Lunch Program.

Note: At its discretion, the district may choose to also notify parents/guardians before the student's meal account reaches a negative balance. The following paragraph may be modified to reflect district practice.

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

Note: Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), prohibits the use of a debt collector to collect unpaid school meal fees.

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

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

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

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

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

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

Note: Pursuant to CDE's Nutrition Services Division Management Bulletins SNP-06-2015 and SNP-03-2017, delinquent debt must be reclassified as bad debt and written off as an operating loss if it is not paid by the end of the fiscal year in which the debt was incurred, unless the district enters into a repayment plan with the parent/guardian prior to the end of the fiscal year or the debt occurs fewer than 90 days prior to the end of the fiscal year. Federal funds are not available to reimburse the district for bad debt. Districts are required to maintain related records in accordance with 7 CFR 210.9 and 210.15.

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

Reimbursement Claims

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

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

Donation of Leftover Food

Note: The following section is optional and may be revised to reflect district practice. Health and Safety Code 114079, as amended by SB 557 (Ch. 285, Statutes of 2017), authorizes districts to provide "sharing tables" where food service staff, students, and faculty may return appropriate food items which may then be shared with other students or donated to a food bank or any other nonprofit charitable organization.

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

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

Cafeteria Fund

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

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

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)

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

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

(cf. 3110 - Transfer of Funds)

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

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

Note: Pursuant to 7 CFR 210.7 and 220.14, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. The spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 220.14)

U.S. Department of Agriculture Foods

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

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation

2. Safeguard foods against theft, spoilage, and other loss

3. Maintain foods at proper storage temperatures

4. Store foods off the floor in a manner to allow for adequate ventilation

5. Take other protective measures as may be necessary

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

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

Contracts with Outside Services

Note: The following optional section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services,

including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)
(cf. 3515.6 - Criminal Background Checks for Contractors)
(cf. 3600 - Consultants)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4212 - Appointments and Conditions of Employment)

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CSBA Sample

Board Policy

Free And Reduced Price Meals

BP 3553
Business and Noninstructional Operations

~~***Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) may receive a higher reimbursement rate for free and reduced-price meals than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.***~~

~~***Note: The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of the SBE before the start of the summer school session for which the waiver is sought. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.***~~

~~***Note: Student eligibility for free and reduced-price meals serves as the basis for identifying students as low-income for a variety of purposes, including, but not limited to, state allocations of supplemental and concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).***~~

~~***Note: The following policy is mandated for any district that authorizes employee access to students' free and reduced-price meal eligibility information for the disaggregation of academic achievement data and other specified purposes; see section "Confidentiality/Release of Records" below.***~~

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer Learning Programs)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

~~***Note: Pursuant to 42 USC 1759a, eligible schools may apply to receive meal reimbursements under a universal meal service provision (e.g., the Community Eligibility Provision or Provision 2), which provides breakfast and/or lunch free of charge to all students enrolled at the school. Education Code 49564, as added by SB 138 (Ch. 724, Statutes of 2017), requires any district with a "very high poverty school," defined as one that qualifies to receive the free meal rate in the Community Eligibility Provision, to apply to CDE by September 1, 2018 to operate under any federal universal meal service provision. A district may be exempted from this requirement if the Governing Board adopts a resolution stating that it is unable to comply due to fiscal hardship.***~~

~~***Note: If all district schools operate under a universal meal service provision, this policy and the accompanying regulation should be revised to delete references to reduced-price meals, student eligibility, and the application process.***~~

To provide optimal nutrition and reduce the administrative burden of food service operations, the Superintendent or designee shall assess the eligibility of district schools to provide breakfast and/or lunch free of charge to all students at the school under a federally funded universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a.

If any district school meets the criteria for a "very high poverty school" through its eligibility for the federal Community Eligibility Provision reimbursement rate pursuant to 42 USC 1759a, the district shall apply to the California Department of Education (CDE) to operate a universal meal service, unless the Board adopts a resolution stating that the district is unable to comply with this requirement due to fiscal hardship. The resolution shall be part of the public agenda for at least two consecutive Board meetings, first as an information item and then as an action item. The Board shall reconsider the resolution at least once every four years. (Education Code 49564; 42 USC 1759a)

~~***Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 and Education Code 49430 and 49430.7, as described in AR 3550 - Food Service/Child Nutrition Program.***~~

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

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

~~***Note: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program or Summer Food Service Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following optional paragraph is for use by districts that choose to provide free milk to eligible students.***~~

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

~~***Note: Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.***~~

The Board shall approve, and shall submit to the CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

~~***Note: The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the Board. Districts wishing to use free and reduced-price meal records for the following purposes are mandated by Education Code 49558 to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.***~~

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meal program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

~~***Note: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES.***~~

~~***Note: Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316, CSBA believes that the use of free and reduced-price eligibility data would be necessary to implement Title I, Part A of the Elementary and Secondary Education Act, which provides financial assistance to meet the needs of students from low-income families, as well as other federal programs. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.***~~

2. Identification of students eligible for services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576

(cf. 6171 - Title I Programs)

~~***Note: According to CDE Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide only the student's name and eligibility status unless the applicant consents to the sharing of additional information.***~~

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch

application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

Legal Reference:
EDUCATION CODE
48980 Notice at beginning of term
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act of 1974
49547-49548.3 Comprehensive nutrition service
49550-49564.5 Meals for needy students
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 20
1232g Federal Educational Rights and Privacy Act
6301-6576 Elementary and Secondary Education Act
UNITED STATES CODE, TITLE 42
1751-1769j School lunch program
1771-1791 Child nutrition, especially:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources:
CSBA PUBLICATIONS
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Direct Certification Implementation ChecklistFree and Reduced-Price Meals: Universal Meal Service, Nutrition Services Division Management Bulletin SNP-01-2018, January 2018U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS (continued)
Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Food Policy Advocates: http://cfpa.net
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
U.S. Department of Agriculture, Food and Nutrition Service: http://www.fns.usda.gov/cnd

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CSBA Sample
Administrative Regulation
Free And Reduced Price Meals

AR 3553
Business and Noninstructional Operations

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to low-income students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph is optional. In addition to the paper application form described above, Education Code 49557 authorizes districts to make the application for free or reduced-price meals available online, provided that it complies with specified requirements.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant,

and comply with other requirements specified in Education Code 49557.

~~***Note: According to the U.S. Department of Agriculture's Eligibility Manual for School Meals: Determining and Verifying Eligibility, households enrolling a new student after the start of the school year must also be provided an application and related materials.***~~

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

Eligibility

~~***Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on CDE's web site.***~~

~~***Note: Pursuant to 42 USC 1769c, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.***~~

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

~~***Note: In accordance with law, participants in certain state and federal programs are deemed to have met the income eligibility requirements of the free and reduced-price meal program and therefore may be directly certified as eligible without further action or additional application. For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data.***~~

~~***Note: Pursuant to 42 USC 1758 and 7 CFR 245.6, districts must directly certify for enrollment in the free and reduced-price meal program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 and 7 CFR 245.6 also authorize, but do not require, districts to directly certify any student who is homeless, migratory, a foster youth, or enrolled in a Head Start program. Education Code 49562, as amended by SB 138 (Ch. 724, Statutes of 2017), also requires districts to use participation data in the Medi-Cal program to directly certify students as eligible for free and reduced-price meals, beginning with participation data from the 2017-18 school year as~~

provided by CDE.***

Note: Further information about direct certification and eligibility is available in the USDA's Eligibility Guidance for School Meals Manual.

Note: Pursuant to 42 USC 1759a, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKS), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6175 - Migrant Education Program)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits

2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below

3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action

to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change

2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal

3. The right to reapply at any time during the school year

Confidentiality/Release of Records

~~***Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual student records compiled in the administration of the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576. See the accompanying Board policy. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.***~~

~~***Note: It is recommended that the district designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.***~~

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.

_____
(title or position)

In using the records for such purposes, the Superintendent or designee shall ensure that: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meal program is not publicly released.

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

3. All other confidentiality provisions required by law are met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meal program is destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.

2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

3. The students shall not be required to work for their meals or for milk.

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

~~***Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1758 and 1773.***~~

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

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CSBA Sample

Board Policy

Recruitment And Selection

BP 4111 4211, 4311
Personnel

Note: The following optional policy may be revised to reflect district practice and related provisions of collective bargaining agreements.

****Note: The Governing Board should ensure that district hiring procedures are designed to avoid liability for negligent hiring. In C.A. v. William S. Hart Union High School District, the California Supreme Court held that a district can be held vicariously liable for the negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.***

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 4000 - Concepts and Roles)
(cf. 4100 - Certificated Personnel)
(cf. 4200 - Classified Personnel)
(cf. 4300 - Administrative and Supervisory Personnel)

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

(cf. 4112.61/4212.61/4312.61 - Employment References)

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

(cf. 2230 - Representative and Deliberative Groups)

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

~~***Note: Labor Code 432.3, as added by AB 168 (Ch. 688, Statutes of 2017), prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 6250-6270) or the Freedom of Information Act (5 USC 552).***~~

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

~~***Note: The following paragraph should be modified to reflect district practice.***~~

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4112.2 - Certification)
(cf. 4112.22 - Staff Teaching English Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4312.1 - Contracts)

Incentives

Note: The district may offer incentives (e.g., signing bonuses, assistance with beginning teacher induction costs, assistance with the process of obtaining a clear credential including covering credential costs, a mentoring program, additional compensation, and/or subsidized housing) to recruit teachers, administrators, or other employees in accordance with district needs.

Note: AB 99 (Ch. 15, Statutes of 2017) establishes the California Educator Development (CalED) grant program to assist districts with attracting and supporting the preparation and continued learning of teachers, principals, and other school leaders.

Note: Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits.

Note: The following optional section may be revised to reflect local incentive programs.

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
35035 Responsibilities of superintendent
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44750 Teacher recruitment resource center
44830-44831 Employment of certificated persons
44858 Age or marital status in certificated positions
44859 Prohibition against certain rules and regulations re: residency
45103-45139 Employment (classified employees)
49406 Examination for tuberculosis
GOVERNMENT CODE
815.2 Liability of public entities and public employees
6250-6276.48 Public Records Act
12900-12996 Fair Employment and Housing Act, including:
12940-12957 Discrimination prohibited; unlawful practices
HEALTH AND SAFETY CODE
53570-53574 Teacher Housing Act of 2016
LABOR CODE
432.3 Salary information

UNITED STATES CODE, TITLE 5
552 Freedom of Information Act
UNITED STATES CODE, TITLE 8
1324a Unlawful employment of aliens
1324b Unfair immigration related employment practices
UNITED STATES CODE, TITLE 20
1681-1688 Title IX prohibition against discrimination
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities
COURT DECISIONS
C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

Management Resources:
CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS
Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
WEB SITES
California County Superintendents Educational Services Association: http://ccsesa.org/recruit
California Department of Education: http://www.cde.ca.gov
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
Commission on Teacher Credentialing: http://www.ctc.ca.gov
Education Job Opportunities Information Network: http://www.edjoin.org
Teach USA: http://culturalvistas.org/programs/us/teach-usa
U.S. Equal Employment Opportunity Commission: http://www.eeoc.gov

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CSBA Sample

Board Policy

Sexual Harassment

BP 4119.11 4219.11, 4319.11
Personnel

~~***Note: Education Code 231.5 mandates the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.***~~

~~***Note: Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.***~~

~~***Note: Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688), as well as the California Fair Employment and Housing Act (Government Code 12900-12996).***~~

~~***Note: Pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.***~~

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

Note: Pursuant to Government Code 12950.1, employers with 50 or more employees are required to provide two hours of sexual harassment training to supervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Note: Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

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

3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

Note: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Note: Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023 to instruct supervisors to report complaints.

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, especially:
12940 Prohibited discrimination
12950 Sexual harassment; distribution of information
12950.1 Sexual harassment training
LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation
CODE OF REGULATIONS, TITLE 2
11009 Employment discrimination
11021 Retaliation
11023 Harassment and discrimination prevention and correction
11024 Sexual harassment training and education
11034 Terms, conditions, and privileges of employment
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688 Title IX prohibition against discrimination
UNITED STATES CODE, TITLE 42
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities
106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities
COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Promising Practices for Preventing Harassment, November 2017
WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
Equal Employment Opportunity Commission: http://www.eeoc.gov
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html

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CSBA Sample
Administrative Regulation
Sexual Harassment

AR 4119.11 4219.11, 4319.11
Personnel

~~***Note: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.***~~

~~***Note: For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.***~~

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

~~***Note: In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).***~~

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.

3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

***Note: ~~Pursuant to Government Code 12940, conduct may meet the definition of sexual~~ harassment regardless of whether or not the alleged harasser is motivated by sexual desire for the

victim.***

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

Note: The following paragraph is consistent with a district's affirmative duty to protect its employees from sex discrimination, including sexual harassment, pursuant to 2 CCR 11023. In its informal guidance, Promising Practices for Preventing Harassment, the U.S. Equal Employment Opportunity Commission recommends that employers provide sexual harassment training to all employees, not just supervisors and managers. In addition, since BP/AR 5145.7 - Sexual Harassment requires employees to report sexual harassment against students, training employees to recognize and address sexual harassment incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

***Note: Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct

workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.***

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

Note: Government Code 12950.1 requires districts with 50 or more employees to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Note: Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Note: Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment lawsuits. The provision of supervisor training may also be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940. Therefore, it is recommended that all districts, regardless of the number of employees, provide sexual harassment training. Districts with fewer than 50 employees that do not provide sexual harassment training may revise the remainder of this section to reflect district practice.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to

hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

~~***Note: Government Code 12950.1 and 2 CCR 11024 require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.***~~

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability

2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

Note: Item #8 below is required pursuant to Government Code 12950.1, as amended by SB 396 (Ch. 858, Statutes of 2017).

8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11024 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment. This document is available on DFEH's web site.

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

~~***Note: Government Code 12950, as amended by SB 396 (Ch. 858, Statutes of 2017), requires districts to post, in a prominent and accessible location, a poster developed by DFEH regarding transgender rights. This poster is available on DFEH's web site.***~~

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

(12/16 3/16) 3/18

CSBA Sample
Administrative Regulation
Personal Illness/Injury Leave

AR 4161.1 4361.1
Personnel

Note: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Note: Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

Note: The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

Note: For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

~~***Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.***~~

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

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

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: Optional item #4 below may be revised as desired to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

~~***Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.***~~

~~***Note: Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the~~

district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.***

Note: For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items #7-8 below.

Note: For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item #7 below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

Note: For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Note: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of

his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

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

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Note: Pursuant to Education Code 44979-44980, a certificated employee is entitled to have his/her accumulated sick leave transferred with him/her in the circumstances specified in the following optional paragraph.

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

Note: Education Code 44978.2, as amended by SB 731 (Ch. 597, Statutes of 2017), provides that an employee who is a military veteran or a former or current member of the California National Guard or a federal reserve component is entitled to additional sick leave with pay for up to 10 days for the purpose of undergoing medical treatment for a qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher). As amended, Education Code 44978.2 provides that credit for such leave begins on either the effective date of the employee's disability rating decision from the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later.

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of

Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives his/her disability rating decision, he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

Note: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

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

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 44977, an employee who is absent for up to five months after exhausting all his/her available sick leave must receive his/her regular salary minus the cost of a substitute. Option 1 below reflects this requirement. However, Education Code 44983 provides that Education Code 44977 does not apply to those districts that adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence. Option 2 below is for use by districts that choose to specify such a level of compensation; these districts are mandated to adopt a rule to this effect.

***Note: When an employee is absent for a period of more than five months, or is absent for a

cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from his/her salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations. If not covered in the district's bargaining agreement, the district may add provisions to this section reflecting salary deductions for employees absent longer than five months.***

OPTION 1:

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent from his/her duties for an additional period of up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

Note: Option 2 below is mandated for use by districts that choose to provide employees at least 50 percent of their regular salary during the period of absence pursuant to Education Code 44983. The following paragraph specifies 50 percent and should be modified by districts that have set a higher percentage.

OPTION 2:

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, he/she shall receive 50 percent of his/her regular salary during the additional period of absence. (Education Code 44983)

Absence Beyond Five-Month Period/Reemployment List

Note: The following paragraph is required for districts that select Option 1 (i.e., differential pay) in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above and should be carefully considered by districts that select Option 2 (i.e., 50 percent pay). Education Code 44978.1 requires the establishment of a reemployment list for employees who are unable to resume their duties after the five-month period provided pursuant to Education Code 44977. Although Education Code 44978.1 does not explicitly require a reemployment list for districts selecting Option 2, such districts should be aware that failure to establish a reemployment list may subject employees to termination following a five-month absence.

Note: Therefore, any district that selects Option 2 and currently maintains a reemployment list for employees who are absent beyond the five-month period, or that wishes to establish such a list, should consult legal counsel before changing its policy or practices.

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Parental Leave

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

Note: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

Note: Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

Note: Education Code 44978 mandates the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in bargaining agreements.

Note: Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

***Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic

information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.***

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

a. That an employee is entitled to accrue, request, and use paid sick days

b. The amount of sick days provided by Labor Code 245-249

c. The terms of use of paid sick days

d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:
EDUCATION CODE
44964 Power to grant leave of absence in case of illness, accident, or quarantine
44965 Granting of leaves of absence for pregnancy and childbirth
44976 Transfer of leave rights when school is transferred to another district
44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
44978 Provisions for sick leave of certificated employees
44978.1 Inability to return to duty; placement in another position or on reemployment list
44978.2 Leave for military service connected disability
44979 Transfer of accumulated sick leave to another district
44980 Transfer of accumulated sick leave to a county office of education
44981 Leave of absence for personal necessity
44983 Exception to sick leave when district adopts specific rule
44984 Industrial accident or illness
44986 Leave of absence for disability allowance applicant
GOVERNMENT CODE
12945.1-12945.2 California Family Rights Act
12945.6 Parental leave
LABOR CODE
220 Sections inapplicable to public employees
230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
233 Illness of child, parent, spouse or domestic partner
234 Absence control policy
245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5
5601 Transfer of accumulated sick leave
UNITED STATES CODE, TITLE 29
2601-2654 Family and Medical Leave Act of 1993, as amended
UNITED STATES CODE, TITLE 42
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
CODE OF FEDERAL REGULATIONS, TITLE 29
825.100-825.800 Family and Medical Leave Act of 1993
1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008
COURT DECISIONS
Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

(3/16 3/17) 3/18

CSBA Sample
Administrative Regulation
Family Care And Medical Leave

AR 4161.8 4261.8,4361.8
Personnel

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

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

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

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

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)

Definitions

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

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

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

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

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

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

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

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

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

2. Continuing treatment or continuing supervision by a health care provider, including one

or more of the following:

a. A period of incapacity of more than three consecutive full days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

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

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

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

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. To care for the employee's child, parent, or spouse with a serious health condition

3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position

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

Resulting from Qualifying Exigencies" below.***

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

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

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

Note: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Note: Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

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

Terms of Leave

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

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

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

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

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

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

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

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

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

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

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

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

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government

Code 12945.2, 12945.6; 2 CCR 11088; 29 USC 2612)

Use/Substitution of Paid Leave

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

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

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

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

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

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

Intermittent Leave/Reduced Work or Leave Schedule

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

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

~~***Note: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must~~

~~grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.***~~

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

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

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

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

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

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

Request for Leave

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

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

For family care and medical leave, the employee need not expressly assert or mention

FMLA/CFRA to satisfy this requirement. However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

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

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

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

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

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

~~***Note: Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.***~~

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

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

Certification of Health Condition

Note: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL or family care and medical leave for his/her own serious health condition or to care for a child, parent, or spouse with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this section should request a medical certification from all employees.

Note: Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050 or 11097, as applicable.

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

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

1. The date on which the serious health condition began

2. The probable duration of the condition

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

3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:

a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision

b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse

4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to

perform one or more essential functions of his/her job

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

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

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

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

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

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

***Note: Government Code 12940 and other provisions of the California Genetic Information

Nondiscrimination Act of 2011 prohibit employers from requesting or requiring genetic information of employees or family members of employees unless specifically authorized by law. A district which believes that an employee's leave may require obtaining this information should consult with legal counsel.***

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

Release to Return to Work

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

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

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

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

Rights to Reinstatement

Note: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position when he/she returns from such leave. However, such an employee has no greater right to reinstatement or other benefits than he/she would have if he/she had been continuously employed. In addition, in certain situations described below, the district may be relieved of the obligation to reinstate an employee.

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

reinstatement.***

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

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

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.

2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)
(cf. 4217.3 - Layoff/Rehire)

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

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

Maintenance of Benefits/Failure to Return from Leave

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

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

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the

district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

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

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

~~***Note: Because CFRA does not cover similar leave, CFRA leave is not exhausted when utilizing military family leave.***~~

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

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

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

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

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

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

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

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

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

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

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

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

Military Caregiver Leave

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

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

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

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

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

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

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

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

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

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

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

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

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

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

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

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

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

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

during a single 12-month period. (29 USC 2612)

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

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

Notifications

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

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

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

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

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

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

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

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

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

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

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

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

changes to the notice. (29 CFR 825.300)

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

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

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

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

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

Records

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

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

Legal Reference:

EDUCATION CODE
44965 Granting of leaves of absence for pregnancy and childbirth
FAMILY CODE
297-297.5 Rights, protections, and benefits under law; registered domestic partners
300 Validity of marriage
GOVERNMENT CODE
12926 Fair employment and housing act, definitions
12940 Unlawful employment practices
12945 Pregnancy; childbirth or related medical condition; unlawful practice
12945.1-12945.2 California Family Rights Act
12945.6 Parental leave
12946 Fair Employment and Housing Act: discrimination prohibited
CODE OF REGULATIONS, TITLE 2
11035-11051 Sex discrimination: pregnancy, childbirth and related medical conditions
11087-11098 California Family Rights Act
UNITED STATES CODE, TITLE 1
7 Definition of marriage
UNITED STATES CODE, TITLE 29
2601-2654 Family and Medical Leave Act of 1993, as amended
UNITED STATES CODE, TITLE 42
2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008
CODE OF FEDERAL REGULATIONS, TITLE 29
825.100-825.800 Family and Medical Leave Act of 1993
COURT DECISIONS
United States v. Windsor, (2013) 699 F.3d 169
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:
U.S. DEPARTMENT OF LABOR PUBLICATIONS
Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
U.S. Department of Labor, FMLA: http://www.dol.gov/whd/fmla

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CSBA Sample
Administrative Regulation
Personal Illness/Injury Leave

AR 4261.1
Personnel

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Note: Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period.

Note: The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

Note: For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

~~***Note: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.***~~

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

~~***Note: Optional item #4 below may be revised to specify a different minimum increment.***~~

4. Medical or dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

~~***Note: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.***~~

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

***Note: For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 -

Family Care and Medical Leave.***

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

Note: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in items #7-8 below.

Note: For the purpose of using sick leave to attend to the health care needs of a family member, as specified in item #7 below, Labor Code 245.5 defines "family member" as an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling.

Note: For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

~~***Note: Pursuant to Education Code 45202, a classified employee who is terminated after at least one year of employment for any reason unrelated to discipline is entitled to have his/her accumulated sick leave transferred with him/her in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may revised to reflect district practice.***~~

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

~~***Note: Education Code 45191.5, as amended by SB 731 (Ch. 597, Statutes of 2017), provides that an employee who is a military veteran or is a former or current member of the California National Guard or federal reserve component is entitled to additional sick leave with pay for up to 12 days for the purpose of undergoing medical treatment for a qualifying military service-connected disability (i.e., an injury or disease that occurred during active duty or was made worse by active military service and that has a disability rating by the U.S. Department of Veterans Affairs of 30 percent or higher). As amended, Education Code 45191.5 provides that credit for such leave begins on the effective date of the employee's disability rating decision from the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later.***~~

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives his/her disability rating decision, he/she

shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

Note: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

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

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 45196, a district is authorized to pay any employee who has exhausted his/her paid leaves his/her salary minus the actual pay received by a substitute for the remainder of a five-month absence to which the employee is entitled (Option 1 below). Alternatively, such an employee may be compensated at 50 percent or more of his/her salary for up to 100 working days, regardless of whether or not a substitute is hired (Option 2 below).

Note: Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

***Note: In 53 Ops.Cal.Atty.Gen. 111 (1970), the Attorney General clarified that a classified

employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.***

Note: In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Note: Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 2:

Note: Education Code 45196 authorizes, but does not require, a district to annually credit regular classified employees with at least 100 working days of paid sick leave, and to compensate any such employee at 50 percent or more of the employee's regular salary for the remainder of the 100 working days after the employee has exhausted all leaves for which he/she would be entitled to a full salary. Any district that chooses this option is mandated to adopt a rule to that effect. Such districts should note that this option is exclusive of other paid leave, holidays, or vacation. In California School Employees Association v. Colton Joint Unified School District, the court ruled that the district's practice of coordinating or combining vacation with the 100 days differential leave contradicts the express provision of Education Code 45196.

Note: The following paragraph may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or accident, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Parental Leave

Note: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Note: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

Note: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above, for up to 12 work weeks.

Note: Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, as added by SB 63 (Ch. 686, Statutes of 2017), it is unclear whether such employees would be entitled to differential pay. Districts should consult legal counsel if they have questions regarding differential pay for such employees.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

***Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if

desired.***

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in bargaining agreements.

Note: Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

~~***Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.***~~

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Short-Term and Substitute Employees

~~***Note: Pursuant to Labor Code 245-249, the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of his/her employment. In implementing this requirement, Labor Code 246 permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of his/her employment. Option 3 is for any district that credits employees with 24 hours of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.***~~

Note: See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional requirements.

OPTION 1:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 3:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to all the above options.

Any short-term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

Note: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

~~***Note: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.***~~

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

a. That an employee is entitled to accrue, request, and use paid sick days

b. The amount of sick days provided by Labor Code 245-249

c. The terms of use of paid sick days

d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:
EDUCATION CODE
45103 Substitute employees
45190 Leaves of absence and vacations
45191 Leaves of absence for illness and injury
45191.5 Leave for military service connected disability
45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)
45195 Additional leave for nonindustrial accident or illness; reemployment preference
45196 Salary; deductions during sick leave
45196.1 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
45202 Transfer of accumulated sick leave and other benefits
GOVERNMENT CODE
12945.1-12945.2 California Family Rights Act
12945.6 Parental leave
LABOR CODE
230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
233 Illness of child, parent, spouse or domestic partner
245-249 Healthy Workplaces, Healthy Families Act of 2014
UNITED STATES CODE, TITLE 29
2601-2654 Family and Medical Leave Act of 1993, as amended
UNITED STATES CODE, TITLE 42
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
CODE OF FEDERAL REGULATIONS, TITLE 29
825.100-825.800 Family and Medical Leave Act of 1993
1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008
COURT DECISIONS
California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957
California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
ATTORNEY GENERAL OPINIONS
53 Ops.Cal.Atty.Gen. 111 (1970)

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CSBA Sample
Board Policy
Student And Family Privacy Rights

BP 5022
Students

Note: 20 USC 1232h, the Protection of Pupil Rights Act (PPRA), mandates that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for additional requirements pertaining to these topics.

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment

2. Book clubs, magazines, and programs providing access to low-cost literary products

3. Curriculum and instructional materials used by elementary and secondary schools

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

~~**Note: 20 USC 1232h mandates that districts adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by districts that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by districts that choose to authorize the collection of personal information purposes.***~~

~~OPTION 1:~~

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

~~OPTION 2:~~

~~**Note: Although 20 USC 1232h authorizes the collection, disclosure, or use of students' personal information, including social security numbers, for the purpose of marketing or selling, Education Code 49076.7 prohibits the collection of social security numbers or the last four digits of social security numbers unless otherwise required to do so by state or federal law. The collection of personal information for marketing purposes is not required by law, and thus districts should not collect social security numbers or the last four digits of social security numbers for marketing purposes.***~~

~~***Note: In addition, pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are prohibited from collecting information or documents regarding citizenship or immigration status of students or their families.***~~

~~In addition, the Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.~~

~~However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)~~

~~***Note: The remainder of this policy is for use by all districts.***~~

~~***Note: 20 USC 1232h requires that the district's policy regarding student privacy be developed~~

in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph may be modified to reflect district practice.***

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose

2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:

a. Survey instruments requesting information about their personal beliefs and practices or those of their children

b. Instructional materials used as part of their children's educational curriculum

Note: Item #3c is for use only by districts that select Option 2 above.

c. Instruments used in the collection of personal information for the purpose of marketing or sale

4. Any nonemergency physical examinations or screenings that the school may administer

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committee)
(cf. 1230 - School-Connected Organizations)

Note: 20 USC 1232h mandates that the district's policy provide for reasonable notice to parents/guardians of the adoption or continued use of this policy. See the accompanying administrative regulation for additional requirements pertaining to the timing and content of such notice.

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
49076.7 Privacy of student records; social security numbers
49450-49458 Physical examinations
49602 Confidentiality of personal information received during counseling
51101 Parents Rights Act of 2002
51513 Test, questionnaire, survey, or examination concerning personal beliefs
51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity
51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Family Policy Compliance Office:
http://www.ed.gov/offices/OM/fpco

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CSBA Sample
Administrative Regulation
Student And Family Privacy Rights

AR 5022
Students

Surveys Requesting Information about Beliefs and Practices

Note: Education Code 51513 provides that districts shall not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent (i.e., "active consent"). The following paragraph regarding surveys is for use by all districts and is mandated, pursuant to 20 USC 1232h, for districts receiving funds from a program administered by the U.S. Department of Education (USDOE).

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian

2. Mental or psychological problems of the student or his/her family

3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality

4. Illegal, anti-social, self-incriminating, or demeaning behavior

5. Critical appraisals of other individuals with whom the student has close family relationships

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers

7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian

8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5148 - Child Care and Development)

***Note: Pursuant to 20 USC 1232h, districts receiving funds from a USDOE-administered

program are mandated to adopt a policy regarding the district's arrangements to protect student privacy in the event that a student participates in a survey requesting information about beliefs and practices as defined above.***

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Note: Education Code 51938 creates an exception to the requirement for prior written consent for districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding student health behaviors and risks upon providing written parent/guardian notification and allowing a parent/guardian to opt his/her child out of participation (i.e., "passive consent"). See sections below entitled "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications."

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

Note: Pursuant to Education Code 51514, as added by AB 677 (Ch. 744, Statutes of 2017), districts that administer a voluntary survey that includes questions pertaining to sexual orientation and/or gender identity are prohibited from removing such questions.

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

Parent/Guardian Access to Surveys and Instructional Materials

Note: 20 USC 1232h mandates that districts receiving funds from a USDOE-administered program adopt a policy detailing a parent/guardian's right to inspect (1) survey instruments requesting information about the parent/guardian's or his/her child's personal beliefs and practices and (2) instructional materials used as part of the educational curriculum of the parent/guardian's child, as specified below. Under California law, Education Code 51101 authorizes parental inspection of instructional materials; see AR 5020 - Parent Rights and Responsibilities. In addition, pursuant to Education Code 51938, districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks must allow parents/guardians the opportunity to review the instrument and to request that their child not participate.

***Note: Pursuant to 20 USC 1232h, those districts that authorize the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy) are mandated to adopt a policy concerning a parent/guardian's right to inspect any instrument used for the

collection of a student's personal information for purposes of marketing or selling the information.***

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices

2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Note: 20 USC 1232h mandates districts receiving funds from a USDOE-administered program to adopt a policy which includes procedures for providing parents/guardians reasonable access to surveys, instruments, and instructional materials within a reasonable amount of time after the request has been received. The following paragraph may be modified to reflect the district's definition of a reasonable timeline and reasonable access.

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

Note: The following paragraph is optional.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Note: 20 USC 1232h mandates a district receiving funds from a USDOE-administered program to adopt a policy on certain physical examinations or screenings that the school may administer to students. The administration of nonemergency, invasive physical examinations requires prior parental notification, as provided below. This requirement does not apply to any physical examination or screening that is permitted without parental notification by an applicable state law.

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.3 - Health Examinations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

Notifications

~~***Note: 20 USC 1232h requires that districts receiving funds from a USDOE-administered program notify parents/guardians of the following. A sample notification letter is available on the web site of the USDOE's Family Policy Compliance Office.***~~

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy

3. The specific or approximate dates during the school year when the following activities are scheduled:

a. Survey requesting personal information

b. Physical examinations or screenings

~~***Note: Item #c below is for districts that permit the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy).***~~

~~c. Collection of personal information from students for marketing or sale~~

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

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CSBA Sample
Board Policy
Parental Notifications

BP 5145.6
Students

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians and students all notifications required by law and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

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

Whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:
EDUCATION CODE
221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
234.7 Student protections relating to immigration and citizenship status
262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
310 Language acquisition programs
313 Reclassification of English learners, parental consultation
313.2 Long-term English learner, notification
440 English language proficiency assessment; instruction in English language development
8483 Before/after school program; enrollment priorities
17288 Building standards for university campuses
17611.5-17612 Notification of pesticide use
32221.5 Insurance for athletic team members
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
35160.5 Extracurricular and cocurricular activities
35178.4 Notice of accreditation status
35182.5 Advertising in the classroom

35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35211 Driver training; district insurance, parent/guardian liability
35256 School Accountability Report Card
35258 School Accountability Report Card
35291 Rules for student discipline
37616 Consultation regarding year-round schedule
39831.5 School bus rider rules and information
44050 Employee codes of conduct, employee interactions with students
44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements
48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements
48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions
48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48301 Interdistrict transfers
48350-48361 Open Enrollment Act
48354 Option to transfer from school identified under Open Enrollment Act
48357 Status of application for transfer from school identified under Open Enrollment Act
48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education
48432.5 Involuntary transfers of students
48850-48859 Education of foster youth and homeless students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer
48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom
48912 Closed sessions; consideration of suspension
48915.1 Expelled students; enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification

48982 Parent signature acknowledging receipt of notice
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees
49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of student record
49073 Release of directory information
49073.6 Student records, social media
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes
49452.8 Oral health assessment
49456 Results of vision or hearing test
49471-49472 Insurance
49475 Student athletes; concussions and head injuries
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
51225.1 Exemption from district graduation requirements
51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 HIV/AIDS and sexual health instruction
52164 Language census
52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 Reassessment of English learners; notification of results
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies regarding written notification rights
56321 Special education: proposed assessment plan
56321.5-56321.6 Notice of parent rights pertaining to special education
56329 Written notice of right to findings; independent assessment
56341.1 Development of individualized education program; right to audio record meeting
56341.5 Individualized education program team meetings

56343.5 Individualized education program meetings
56521.1 Behavioral intervention
58501 Alternative schools; notice required prior to establishment
60615 Exemption from state assessment
60641 California Assessment of Student Performance and Progress
69432.9 Submission of grade point average to Cal Grant program
CIVIL CODE
1798.29 District records, breach of security
HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
104420 Tobacco use prevention
104855 Availability of topical fluoride treatment
116277 Lead testing of school drinking water
120365-120375 Immunizations
120440 Sharing immunization information
124100-124105 Health screening and immunizations
PENAL CODE
626.81 Notice of permission granted to sex offender to volunteer on campus
627.5 Hearing request following denial or revocation of registration
CODE OF REGULATIONS, TITLE 5
852 Exemptions from state assessments
863 Reports of state assessment results
3052 Behavioral intervention
4622 Notification of uniform complaint procedures
4631 Uniform complaint procedures; notification of decision and right to appeal
4702 Student transfer from school identified under Open Enrollment Act
4917 Notification of sexual harassment policy
11303 Reclassification of English learners
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 Child care policies regarding excused and unexcused absences
18094-18095 Notice of Action; child care services
18114 Notice of delinquent fees; child care services
18118-18119 Notice of Action; child care services
CODE OF REGULATIONS, TITLE 17
2951 Hearing tests
6040 Time period to obtain needed immunizations
UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1232h Privacy rights
1415 Procedural safeguards
6311 State plan
6312 Local educational agency plans
6318 Parent and family engagement
7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42

1758 Child nutrition programs
11431-11435 McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 7
245.5 Eligibility criteria for free and reduced-price meals
245.6a Verification of eligibility for free and reduced-price meals
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.30 Disclosure of personally identifiable information
99.34 Student records, disclosure to other educational agencies
99.37 Disclosure of directory information
104.32 District responsibility to provide free appropriate public education
104.36 Procedural safeguards
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
200.48 Teacher qualifications
300.300 Parent consent for special education evaluation
300.322 Parent participation in IEP team meetings
300.502 Independent educational evaluation of student with disability
300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
300.504 Procedural safeguards notice for students with disabilities
300.508 Due process complaint
300.530 Discipline procedures
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans

Management Resources:
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017
Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
WEB SITES
U.S. Department of Agriculture, Food and Nutrition Service: http://www.fns.usda.gov

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CSBA Sample

Exhibit

Parental Notifications

E 5145.6
Students

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2017 (AB 97, Ch. 14, Statutes of 2017) extends the suspension of these requirements through the 2017-18 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

~~***Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622.***~~

~~***Note: The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.***~~

I. Annually

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 234.7
Board Policy/Administrative Regulation #: See BP 0410
Subject: Right to a free public year 234.7 education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174
Subject: Information on the district's language acquisition program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1
Education or Other Legal Code: Education Code 35256, 35258

Board Policy/Administrative Regulation #: See BP 0510
Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35291, 48980
Board Policy/Administrative Regulation #: See AR 5144, See AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 44050
Board Policy/Administrative Regulation #: See BP 4119.21, See BP 4219.21, See BP 4319.21
Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 46010.1
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: District policy authorizing transfer

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Copy of sexual harassment policy as related to students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 32255-32255.6
Board Policy/Administrative Regulation #: See AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361
Board Policy/Administrative Regulation #: See BP 5111.1, See AR 5116.1, See AR 5117
Subject: All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if Board allows such absence
Education or Other Legal Code: Education Code 48980, 46014
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48205
Board Policy/Administrative Regulation #: See AR 5113, See BP 6154
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208
Board Policy/Administrative Regulation #: See AR 6183
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49403
Board Policy/Administrative Regulation #: See BP 5141.31
Subject: School immunization program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49423, 49480
Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49471, 49472
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Annually
Education or Other Legal Code: 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7
Board Policy/Administrative Regulation #: See AR 5125
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 51513, 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181
Subject: Alternative schools

When to Notify: Beginning of each school year
Education or Other Legal Code: Health and Safety Code 104855
Board Policy/Administrative Regulation #: See AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When/Whom to Notify: Annually
Education or Other Legal Code: 5 CCR 852; Education Code 60615
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year, if district receives Title I funds
Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48
Board Policy/Administrative Regulation #: See BP 4112.2, See AR 4222
Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: See BP 0410, See BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA SP-23-2017
Board Policy/Administrative Regulation #: See AR 3551
Subject: District policy on meal payments

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling
Education or Other Legal Code: Education Code 221.5; 48980
Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174
Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or Other Legal Code: Education Code 32390, 48980
Board Policy/Administrative Regulation #: See AR 5142.1
Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district
Education or Other Legal Code: Education Code 35211
Board Policy/Administrative Regulation #: None

Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported
Education or Other Legal Code: Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus
Education or Other Legal Code: Education Code 44808.5, 48980
Board Policy/Administrative Regulation #: See AR 5112.5
Subject: Open campus

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement
Education or Other Legal Code: Education Code 48980, 51225.3
Board Policy/Administrative Regulation #: See AR 6146.1
Subject: How each school graduation requirement does or does not satisfy college entrance a-g course criteria; districts CTE courses that satisfy a-g course criteria

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3
Subject: Specified rights related to student records

When to Notify: When students enter grade 7
Education or Other Legal Code: Education Code 49452.7
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten, or first grade if not previously enrolled in public school
Education or Other Legal Code: Education Code 49452.8
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 6143
Subject: College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year
Education or Other Legal Code: Education Code 51938, 48980

Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year
Education or Other Legal Code: Education Code 60641; 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12
Education or Other Legal Code: Education Code 69432.9
Board Policy/Administrative Regulation #: See AR 5121, See AR 5125
Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: When child is enrolled in kindergarten
Education or Other Legal Code: Health and Safety Code 124100, 124105
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test
Education or Other Legal Code: 5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds
Education or Other Legal Code: 20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Request that district not release name, address, phone number of child to military recruiters without prior written consent

III. When Special Circumstances Occur

When to Notify: In the event of a breach of security of district records, security of district records,
Education or Other Legal Code: Civil Code 1798.29
Board Policy/Administrative Regulation #: See BP 3580
Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination
Education or Other Legal Code: Education Code 262.3
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Civil law remedies available to complainants

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient
Education or Other Legal Code: Education Code 313; 5 CCR 11303
Board Policy/Administrative Regulation #: See AR 6174
Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives Titles I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Legal Code: Education Code 313.2, 440; 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

When to Notify: When homeless or foster youth applies for enrollment in before/after school program
Education or Other Legal Code: Education Code 8483
Board Policy/Administrative Regulation #: See AR 5178.2
Subject: Right to priority enrollment how to request priority enrollment

When to Notify: Before high school student attends specialized secondary program on a university campus
Education or Other Legal Code: Education Code 17288
Board Policy/Administrative Regulation #: None
Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Intended use of pesticide product

When to Notify: To members of athletic teams
Education or Other Legal Code: Education Code 32221.5
Board Policy/Administrative Regulation #: See AR 5143
Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition
Education or Other Legal Code: Education Code 33479.3
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status
Education or Other Legal Code: Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190
Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising
Education or Other Legal Code: Education Code 35182.5
Board Policy/Administrative Regulation #: BP 3312
Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy
Education or Other Legal Code: Education Code 35183
Board Policy/Administrative Regulation #: See AR 5132
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: See BP 6117
Subject: Public hearing on year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days
Education or Other Legal Code: Education Code 46601
Board Policy/Administrative Regulation #: See AR 5117
Subject: Appeal process

When to Notify: Before early entry to kindergarten, if offered
Education or Other Legal Code: Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2, See BP 5141.33
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216; 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant
Education or Other Legal Code: Education Code 48260.5, 48262
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: When a school is identified on the state's Open Enrollment List
Education or Other Legal Code: Education Code 48354; 5 CCR 4702
Board Policy/Administrative Regulation #: See AR 5118
Subject: Student's option to transfer to another school

When to Notify: Within 60 days of receiving application for transfer out of open enrollment school
Education or Other Legal Code: Education Code 48357; 5 CCR 4702
Board Policy/Administrative Regulation #: See AR 5118
Subject: Whether student's transfer application is accepted or rejected; reasons for rejection

When/Whom to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: Education Code 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1
Subject: Basis for the placement recommendation

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts

Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See BP 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs

Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Readmission procedures

When to Notify: At least 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: Right to request a meeting with principal or designee

When to Notify: One month before the scheduled minimum day
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site
Education or Other Legal Code: Education Code 48987
Board Policy/Administrative Regulation #: See AR 5141.4
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education or Other Legal Code: Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school
Education or Other Legal Code: Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals
Education or Other Legal Code: Education Code 49070

Board Policy/Administrative Regulation #: See AR 5125.3
Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity
Education or Other Legal Code: Education Code 49073.6
Board Policy/Administrative Regulation #: See BP 5125
Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter
Education or Other Legal Code: Education Code 49073.6
Board Policy/Administrative Regulation #: AR 5125
Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer
Education or Other Legal Code: Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education or Other Legal Code: Education Code 49077
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis
Education or Other Legal Code: Education Code 49452.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education or Other Legal Code: Education Code 49456; 17 CCR 2951
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Vision or hearing test results

When to Notify: Within 10 days of negative balance in meal account
Education or Other Legal Code: Education Code 49557.5
Board Policy/Administrative Regulation #: See AR 3551
Subject: Negative balance in meal account; encouragement to apply for free or reduced price meals

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition

Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When/Whom to Notify: Within 30 days of foster youth, homeless youth, former juvenile court school student, or child of military family being transferred between high schools
Education or Other Legal Code: Educational Code 51225.1
Board Policy/Administrative Regulation #: See BP 6146.1, See AR 6173, See AR 6173.1, AR 6173.3
Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school

When to Notify: Before any test/survey questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Legal Code: Education Code 52164.1, 52164.3; 5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established
Education or Other Legal Code: Education Code 54444.2
Board Policy/Administrative Regulation #: See BP 6175, See AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: Health and Safety Code 1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to enter facility

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds

Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: See AR 3513.3
Subject: The district's tobacco-free schools policy and enforcement procedures

When to Notify: When testing by community water system finds presence of lead exceeding specified level
Education or Other Legal Code: Health and Safety Code 116277
Board Policy/Administrative Regulation #: See AR 3514
Subject: Elevated lead level at school

When to Notify: When sharing student immunization information with an immunization system
Education or Other Legal Code: Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer
Education or Other Legal Code: Penal Code 626.81
Board Policy/Administrative Regulation #: See AR 1240, See BP 1250
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises
Education or Other Legal Code: Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2
Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law
Education or Other Legal Code: 5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: 5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services
Education or Other Legal Code: 5 CCR 18094, 18118
Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3
Subject: Policies re: Approval or denial of services

When to Notify: Upon recertification or update of application for child care or preschool services
Education or Other Legal Code: 5 CCR 18095, 18119
Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3

Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 4112.24
Subject: Timely notice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Legal Code: 20 USC 6318
Board Policy/Administrative Regulation #: See AR 6020
Subject: Notice of policy

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals
Education or Other Legal Code: 42 USC 1758; 7 CFR 245.6a
Board Policy/Administrative Regulation #: See AR 3553
Subject: Need to submit verification information; any subsequent change in benefits; appeals

When/Whom to Notify: When student is homeless or unaccompanied minor
Education or Other Legal Code: 42 USC 11432; Education Code 48852.5

Board Policy/Administrative Regulation #: See AR 6173
Subject: Educational and related opportunities; transportation services; placement decision and right to appeal

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30
Education or Other Legal Code: 34 CFR 99.34
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to review records

When to Notify: When district receives federal funding assistance for nutrition program
Education or Other Legal Code: USDA FNS Instruction 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

IV. Special Education Notices

When to Notify: Prior to conducting initial evaluation
Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415 (d); 34 CFR 300.502, 300.503
Board Policy/Administrative Regulation #: See BP 6159.1, See AR 6159.1, See AR 6164.4
Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins
Education or Other Legal Code: Education Code 56321
Board Policy/Administrative Regulation #: See AR 6159
Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record
Education or Other Legal Code: Education Code 56341.1
Board Policy/Administrative Regulation #: See AR 6159
Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting
Education or Other Legal Code: Education Code 56341.5; 34 CFR 300.322
Board Policy/Administrative Regulation #: See AR 6159
Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent/guardian orally requests review of IEP
Education or Other Legal Code: Education Code 56343.5
Board Policy/Administrative Regulation #: See AR 6159
Subject: Need for written request

When to Notify: Within one school day of emergency intervention or serious property damage

Education or Other Legal Code: Education Code 56521.1
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services
Education or Other Legal Code: 20 USC 1415(c); 34 CFR 300.300, 300.503
Board Policy/Administrative Regulation #: See AR 6159, See AR 6159.1
Subject: Prior written notice

When/Whom to Notify: Upon filing of state complaint
Education or Other Legal Code: 20 USC 1415(d), 34 CFR 300.504
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are taken or change in placement
Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.530
Board Policy/Administrative Regulation #: See AR 5144.2
Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing
Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.508
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504
Education or Other Legal Code: 34 CFR 104.32, 104.36
Board Policy/Administrative Regulation #: See AR 6164.6
Subject: District responsibilities, district actions, procedural safeguards

V. Classroom Notices

When to Notify: In each classroom in each school
Education or Other Legal Code: Education Code 35186
Board Policy/Administrative Regulation #: See AR/E 1312.4
Subject: Complaints re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities, right of students who did not pass the exit exam to receive intensive instruction after grade 12

CSBA Sample
Board Policy
Student Assessment

BP 6162.5
Instruction

~~***Note: The following optional policy may be revised to reflect district practice. For information about required state assessments administered as part of the California Assessment of Student Performance and Progress (CAASPP), see BP/AR 6162.51 - State Academic Achievement Tests.***~~

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

(cf. 6162.51 - State Academic Achievement Tests)

~~***Note: The following paragraph addresses potential uses of student assessment data. Pursuant to Education Code 52060, applicable statewide student assessments must be used as one of the measures of progress toward the district's annual goals for student achievement included in its local control and accountability plan; see AR 0460 - Local Control and Accountability Plan. In addition, pursuant to Education Code 44662, evaluations of certificated staff must include an assessment of students' progress toward meeting district standards of expected student achievement at each grade level in each area of study and, if applicable, toward state standards as measured by state criterion-referenced assessments (i.e., assessments that test students' mastery of the content). However, Education Code 44662 prohibits the use of publishers' norms established by standardized tests (i.e., assessments that compare students' performance to a representative sample of students) for the purpose of evaluating and assessing certificated staff performance. The use of student assessment results in staff evaluations may also be addressed in collective bargaining agreements or employment contracts. See BP/AR 4115 - Evaluation/Supervision and BP 4315 - Evaluation/Supervision.***~~

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)
(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6190 - Evaluation of the Instructional Program)

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6162.54 - Test Integrity/Test Preparation)

~~***Note: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all "numerically significant" student subgroups, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. A "numerically significant" subgroup is one that consists of at least 30 students, or 15 foster youth or homeless students, each of whom has a valid test score. To evaluate the extent to which the district fulfills this responsibility, it will be important to examine disaggregated student assessment results as provided below.***~~

~~***Note: Pursuant to Education Code 49558, the Governing Board may adopt policy allowing the use of individual applications or records from the free and reduced-price meal program to identify students for the purpose of disaggregating student achievement data. See BP/AR 3553 - Free and Reduced Price Meals for optional language providing such authorization.***~~

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

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

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

(cf. 0510 - School Accountability Report Card)

Interim and Formative Assessments

Note: At their discretion, districts may choose to use the Smarter Balanced interim and formative assessments, which are part of the CAASPP. Pursuant to Education Code 60642.6, as amended by AB 1035 (Ch. 752, Statutes of 2017), these tests may be used, in combination with other sources of information, to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Education Code 60642.7, as added by AB 1035, specifies that results of such assessments shall not be used for any high-stakes purpose.

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6152 - Class Assignment)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Learners)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

Individual Record of Accomplishment

Note: The following section is for use by districts that maintain high schools.

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649

2. The results of any end-of-course examinations taken

3. The results of any vocational education certification examinations taken

(cf. 6178 - Career Technical Education)

~~No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if he/she is an adult or emancipated minor. The student or his/her parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607)~~

~~(cf. 5125 - Student Records)~~

Legal Reference:
EDUCATION CODE
313 Assessment of English language development
10600-10610 California Education Information System
44660-44665 Evaluation and assessment of performance of certificated employees (Stull Act)
49558 Free and reduced-price meals; use of individual applications and records
51041 Evaluation of educational program
51450-51455 Golden State Seal Merit Diploma
52052 Accountability; numerically significant student subgroups
52060-52077 Local control and accountability plan
60600-60649 Assessment of academic achievement, especially:
60640-60649 California Assessment of Student Performance and Progress
60800 Physical fitness testing
60810-60812 Assessment of English language development
60900 California Longitudinal Pupil Achievement Data System
CODE OF REGULATIONS, TITLE 5
850-864 California Assessment of Student Performance and Progress
UNITED STATES CODE, TITLE 20
9622 National Assessment of Educational Progress

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Testing and Accountability: http://www.cde.ca.gov/ta
Smarter Balanced Assessment Consortium: http://www.smarterbalanced.org
U.S. Department of Education: http://www.ed.gov

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CSBA Sample
Board Policy
Title I Programs

BP 6171
Instruction

~~***Note: The following policy is for use by districts that receive funding through Title I, Part A, of the federal Elementary and Secondary Education Act (20 USC 6311-6322), which supports basic programs designed to improve the academic achievement of economically disadvantaged students. 20 USC 6313 establishes school eligibility criteria and priorities for funding. Title I funds received by the district must be allocated to eligible schools or eligible school attendance areas, in rank order, on the basis of the number of students from low-income families.***~~

The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

~~***Note: 20 USC 6312 requires that districts receiving Title I funds develop a local educational agency (LEA) plan with specified components. In California, districts have the option of addressing each LEA plan provision within the local control and accountability plan (LCAP), the LCAP Federal Addendum, or another document, provided that the location of each provision is referenced within the LCAP Federal Addendum. A template for the LCAP Federal Addendum is available on the California Department of Education's (CDE) web site.***~~

~~***Note: Title I schoolwide programs are required to develop school-level comprehensive plans addressing the components listed in 20 USC 6314; see the accompanying administrative regulation.***~~

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

(cf. 0420 - School Plans/Site Councils)
(cf. 0400 - Comprehensive Plans)
(cf. 0460 - Local Control and Accountability Plan)

Note: 20 USC 6318 mandates each district and each school receiving Title I funds to have a written parent/guardian and family engagement policy developed jointly with and agreed upon by parents/guardians of participating students. See BP/AR 6020 - Parent Involvement for language fulfilling this mandate.

In addition, the district and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

(cf. 6020 - Parent Involvement)

Comparability of Services

Note: 20 USC 6321 mandates any district receiving Title I funds to develop procedures to ensure compliance with legal requirements regarding comparability of services. Pursuant to 20 USC 6321, requirements regarding comparability do not apply to districts that do not have more than one building for each grade span.

In schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

Note: Pursuant to 20 USC 6321, a district will be considered to have met the legal requirement for comparability if it provides the CDE with written assurances that it has established and implemented (1) a districtwide salary schedule; (2) a policy ensuring equivalence among schools in teachers, administrators, and other staff; and (3) a policy ensuring equivalence among schools in the provision of curriculum materials and instructional supplies. The district must keep records documenting that the salary schedule and policies were actually implemented and that they resulted in equivalence among schools in staffing, materials, and supplies. Items #1-4 below reflect methods of determining comparability authorized by the CDE. For further information, see the CDE's guidance Meeting Title I, Part A Comparability Requirements, available on its web site.

To demonstrate comparability of services among district schools, the district shall:

1. Adopt and implement a districtwide salary schedule

Note: Items #2a and b below reflect methods authorized by the CDE to determine comparability of staffing, and may be revised to reflect district practice.

2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or

both of the following:

a. The ratio of students to instructional staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all non-Title I district schools within that grade span

b. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I district schools.

3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the districtwide average

4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools

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

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to students with disabilities, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

~~***Note: Although 20 USC 6321 requires records of compliance to be updated biennially, U.S. Department of Education (USDOE) nonregulatory guidance, Title I Fiscal Issues, clarifies that because Title I allocations are made annually, demonstrating comparability is an annual requirement. CDE requires districts to complete and submit their comparability reports each fall. Districts with schools that fail the initial comparability test are given additional time to resolve the issues and resubmit their report with supporting documentation in the winter.***~~

The Superintendent or designee shall annually assess comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

Participation of Private School Students

The district shall provide or contract to provide special educational services, instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring, or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and

benefits shall be provided on an equitable basis in comparison to services and other benefits for public school students. (20 USC 6320, 7881)

Program Evaluation

Note: The following section may be revised to reflect district practice. During the Federal Program Monitoring process, the CDE will review whether the district monitors the effectiveness of district plans to help low-achieving students meet challenging academic achievement standards and revises those plans as necessary.

Note: 20 USC 6311 requires each state to have an accountability system that incorporates multiple measures, including, but not limited to, statewide assessment results for all students as well as numerically significant student subgroups. California's accountability system (the California School Dashboard) consists of both state and local indicators to assist districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Beginning in the 2018-19 school year, CDE will notify schools identified for comprehensive and/or targeted support and improvement pursuant to 20 USC 6311. See BP 0500 - Accountability.

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:
EDUCATION CODE
11503 Parent involvement programs in Title I schools
52060-52077 Local control and accountability plan
54420-54425 State Compensatory Education
64001 Single plan for student achievement, consolidated application programs
UNITED STATES CODE, TITLE 20
6301 Program purpose
6311-6322 Improving basic programs for disadvantaged students, including:
6312 Local educational agency plan
6313 Eligibility of schools and school attendance areas; funding allocation
6314 Title I schoolwide programs
6315 Targeted assistance schools
6318 Parent and family engagement
6320 Participation of private school students

6321 Comparability of services
6333-6335 Grants to local educational agencies
6391-6399 Education for migrant students
7881 Participation of private school students
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.73 Improving basic programs for disadvantaged students

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Frequently Asked Questions About Title I Schoolwide Programs
Local Control and Accountability Plan Federal Addendum Template
Meeting Title I, Part A Comparability Requirements, October 2017
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act, Non-Regulatory Guidance, November 21, 2016
Title I Fiscal Issues, Non-Regulatory Guidance, February 2008
Designing Schoolwide Programs, Non-Regulatory Guidance, March 22, 2006
Title I Services to Eligible Private School Students, October 17, 2003
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov/sp/sw
U.S. Department of Education: http://www.ed.gov

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CSBA Sample
Administrative Regulation
Title I Programs

AR 6171
Instruction

Schoolwide Programs

Note: Pursuant to 20 USC 6314, Title I funds may be used and consolidated with other federal, state, and local program funds to upgrade the entire educational program in schools that meet eligibility criteria. Schools participating in schoolwide programs are not required to identify particular students as eligible or identify individual services as supplementary. The following optional section is for use by districts with schoolwide program(s).

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. (20 USC 6314; 34 CFR 200.25)

Note: 20 USC 6314 provides that an ineligible school may request a waiver from the California Department of Education (CDE) to operate a schoolwide program, taking into account how a schoolwide program will best serve the needs of the students in the school. For information regarding the criteria and process for seeking a waiver, see the CDE's web site.

A school that does not meet these criteria may operate a Title I schoolwide program if it receives a waiver from the California Department of Education. (20 USC 6314)

Note: 20 USC 6314 requires schools with Title I schoolwide programs to develop a comprehensive plan with specified components. Pursuant to Education Code 64001, this plan must be consolidated with plans required for other federal and state categorical programs into a single plan for student achievement (SPSA). The SPSA must be developed by a school site council or other school advisory group; see BP/AR 0420 - School Plans/Site Councils. However, because 20 USC 6314 requires broader engagement, the district must ensure that plan development provides opportunities for the participation of the individuals listed below. The following paragraph may be revised to reflect district practice.

Any school operating a schoolwide program shall develop a comprehensive plan with the involvement of parents/guardians, other members of the community to be served, and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of other federal education programs), the district, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, secondary school students as applicable, and other individuals determined by the school.

(20 USC 6314)

(cf. 0400 - Comprehensive Plans)

The schoolwide program plan shall be based on a comprehensive needs assessment of the entire school and shall be incorporated into a single plan for student achievement which also incorporates the plans required for other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

(cf. 0420 - School Plans/Site Councils)

The plan shall describe the strategies that the school will implement to address school needs, including a description of how such strategies will: (20 USC 6314)

1. Provide opportunities for all students, including economically disadvantaged students, ethnic subgroups, students with disabilities, and English learners, to meet state academic standards

(cf. 6011 - Academic Standards)

2. Use methods and instructional strategies that strengthen the school's academic program, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6177 - Summer Learning Programs)

Note: Item #3 may be revised to reflect the grade levels and programs offered by the district.

3. Address the needs of all students in the school, but particularly the needs of those at risk of not meeting state academic standards, through activities which may include the following:

a. Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas

(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

b. Preparation for and awareness of opportunities for postsecondary education and the

workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172.1 - Concurrent Enrollment in College Classes)
(cf. 6178 - Career Technical Education)

c. Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

d. Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments and to recruit and retain effective teachers, particularly in high-need subjects

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

e. Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs

(cf. 5148.3 - Preschool/Early Childhood Education)

The plan shall also include a description of any applicable federal, state, and local programs that will be consolidated in the schoolwide program. (20 USC 6314; 34 CFR 200.27)

The plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet state academic standards. (20 USC 6314)

Targeted Assistance Programs

~~***Note: Pursuant to 20 USC 6315, any school that is selected to receive Title I funds but is ineligible for or chooses not to operate a schoolwide program may only use Title I funds for programs that provide services to eligible students identified as having the greatest need for special assistance.***~~

~~***Note: The following paragraph may be revised to reflect grade levels offered by the district.***~~

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I

funds to provide services to eligible students who are failing, or most at risk of failing, to meet state academic standards. Students shall be identified on the basis of multiple, educationally related, objective criteria, except that students in preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the district and supplemented by the school. (20 USC 6315)

Eligible students include those who are economically disadvantaged; students with disabilities; migrant students, including those who participated in a migrant education program pursuant to 20 USC 6391-6399 in the preceding two years; English learners; students who participated in a Head Start or state preschool program in the preceding two years; students in a local institution for neglected or delinquent children and youth or attending a community day program for such students; and homeless students. (20 USC 6315)

Any targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education

2. Use methods and instructional strategies that strengthen the academic program, through activities which may include:

a. Expanded learning time, before- and after-school programs, and summer programs and opportunities

b. A schoolwide tiered model to prevent and address behavior problems, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

3. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs

4. Provide professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel and other school personnel who work with eligible students in Title I programs or in the regular education program. The professional development shall be provided using funds from Title I and, to the extent practicable, other sources.

5. Implement strategies to increase the involvement of parents/guardians of participating students

Note: Item #6 may be revised to reflect programs offered by the district.

6. If appropriate and applicable, coordinate and integrate federal, state, and local services and programs, such as programs supported by the Elementary and Secondary Education Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult

education programs, career technical education programs, and comprehensive or targeted support and improvement activities under 20 USC 6311

7. Provide assurances to the Superintendent or designee that the program will:

a. Help provide an accelerated, high-quality curriculum

b. Minimize the removal of students from the regular classroom during regular school hours for instruction supported by Title I funds

c. On an ongoing basis, review the progress of participating students and revise the targeted assistance program, if necessary, to provide additional assistance to enable such students to meet state academic standards

Participation of Private School Students

Teachers and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent/guardian and family engagement activities and professional development pursuant to 20 USC 6318. (20 USC 6320, 7881)

~~***Note: The following optional paragraph reflects U.S. Department of Education non-regulatory guidance, Title I Services to Eligible Private School Students.***~~

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation, and invite them to a meeting to discuss the intent of Title I and the roles of public and private school officials.

~~***Note: 20 USC 6320 requires meaningful and timely consultation with private school officials as described below. Pursuant to 20 USC 6320, a private school official has the right to complain to the CDE that the district did not comply with these requirements, and the district must forward the appropriate documentation to the CDE.***~~

The Superintendent or designee shall consult with appropriate private school officials, in a meaningful and timely manner, during the design and development of the district's Title I programs, with the goal of reaching agreement on how to provide equitable and effective programs for eligible private school students. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include consultation on issues such as the following: (20 USC 6320, 7881; 34 CFR 200.56)

1. How the needs of private school students will be identified

2. What services will be offered

3. How, where, and by whom the services will be provided

4. How the services will be academically assessed and how assessment results will be used to improve those services

5. The size and scope of the equitable services to be provided to eligible private school students, the proportion of funds to be allocated for such services, and how that proportion of funds is determined

~~***Note: Pursuant to 20 USC 6320, the district has the final authority to calculate, each year or every two years, the number of private school students, ages 5-17, who are from low-income families. The district may use the same measure of low income as used to determine eligibility for public school students or any other measure listed in 20 USC 6320(c)(1).***~~

6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools

7. How and when the district will make decisions about the delivery of services to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider

8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor

9. Whether the district will provide services directly or through a separate government agency, consortium, entity, or third-party contractor

10. Whether to provide services to eligible private school students by pooling funds or on a school-by-school basis

11. When services will be provided, including the approximate time of day

12. Whether to consolidate and use funds provided under Title I with other funds available for services to private school students

If the district disagrees with the views of private school officials with respect to any of the above issues, the district shall provide the officials, in writing, the reasons that the district disagrees. (20 USC 6320)

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The district shall maintain, and shall provide to the CDE, a written affirmation signed by officials of each participating private school that consultation has occurred. The affirmation shall provide the option for private school officials to indicate their belief that timely and meaningful

consultation has not occurred or that the program design is not equitable with respect to private school students. If private school officials do not provide the affirmation within a reasonable period of time, the district shall send documentation to the CDE demonstrating that the consultation has, or attempts at such consultation have, taken place. (20 USC 6320)

(cf. 3580 - District Records)

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

The Superintendent or designee shall also maintain copies of program descriptions, notices, funding allocations, and other communications and records pertaining to the provision of services to private school students.

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MESA UNION SCHOOL DISTRICT

CLASS TITLE: SUPERINTENDENT/PRINCIPAL

BASIC FUNCTION:

The Superintendent/Principal is directly responsible to the Governing Board, serves as chief executive of the Board, and supervises all district operations in accordance with Board policies. Although the Superintendent/Principal may delegate appropriate powers and duties so that operational decisions can be made at various administrative levels, he/she is responsible for the execution of these powers and duties and will establish administrative regulations as needed to manage the district.

REPRESENTATIVE DUTIES:

Duties related to the Board

The Superintendent/Principal:

- Advises the Board on the need for new and/or revised policies and makes policy recommendations based on data and input from staff and advisory committees.
- Submits to the Board recommendations relative to all matters requiring Board action, together with the materials needed for informed decisions.
- Reports periodically on all district operations.
- Conducts special studies requested by the Board.
- Provides for sound planning of financial, facility, maintenance, and enrollment requirements in accordance with the district's short- and long-term goals.
- Secures legal opinions when needed.
- Submits staff members' communications to the Board or to Board committees at regular Board meetings, with or without recommendations.
- Directs the development and management of the district budget as the primary fiscal plan for the implementation of district goals and objectives; administers the adopted budget within legal requirements and Board policy.
- Provides advice and leadership to the Board and to the district's chief negotiator during the collective bargaining process.
- As secretary to the Board, prepares the agenda and minutes of Board meetings, handles Board correspondence, and maintains all Board records, contracts, securities and other documents.

Duties related to Staff

The Superintendent/Principal:

- Coordinates the work of all school and departments.
- Directs the employment and assignment of administrative staff and coordinates administrative staff activities.
- Selects and recommends to the Board the best-qualified and most competent candidates for employment, in accordance with nondiscrimination policy and affirmative action plans.
- Advises the Board regarding the leave, classification, retirement, resignation, promotion, suspension or dismissal of district employees.
- Assigns personnel within the district in accordance with Board policy and the collective bargaining agreement.
- Arranges for the evaluation of each staff member and identifies appropriate opportunities for continued professional development.
- Maintains appropriate channels of communication within the district and ensures that staff is informed about relevant federal, state, and county laws, district policies, regulations and procedures, and matters related to the improvement and welfare of the school.

Duties related to Students and the Educational Program

The Superintendent/Principal:

- Enforces compulsory attendance laws.

- Continuously observes the instructional program in school and provides the Board with regular evaluations of district programs and student progress.
- Together with staff, studies the curriculum and makes recommendations to the Board regarding the courses of study, major changes in texts and time schedules, and potentially sound innovative programs.
- Apprises the Board of contemporary educational practices and related legislative issues which he/she discovers by reading, attending professional conferences, and visiting other school systems.
- Under appropriate circumstances, recommends to the Board a student's suspension or expulsion.

Duties related to Non-instructional Operations

The Superintendent/Principal:

- Seeks and identifies sources of income and funding.
- Maintains and updates adequate census and scholastic records, business and property records, and personnel records.
- Submits to the Board periodic financial and budgetary reports, which identify the district's outstanding obligations.
- Annually prepares and submits to the Board the district budget for the upcoming year; revises this budget or takes other related action as the Board designates.
- Approves all expenditures in accordance with Board policy and within Board-approved appropriation limits.
- Makes recommendations to the Board regarding the maintenance, safety, improvement and/or expansion of school facilities, sites, equipment, and transportation services.
- Develops instructions and regulations governing the use and care of school properties for school purposes.

Duties related to the Community

The Superintendent/Principal:

- Represents and advocates for the Board in relationships with city, county and state governments, private agencies, and the school community.
- Sees that the community is informed about school matters through the school accountability report card and other informational materials.
- Participates in appropriate community organizations and functions to obtain support for the attainment of district goals.
- Hears complaints against the school and resolves controversies between employees or between employees and students or parents/guardians

KNOWLEDGE OF:

- Board policy development procedures and requirements.
- Applicable sections of State Education Code and other applicable laws, rules and regulations related to assigned activities.
- Policies and objectives of assigned programs, services, and activities.
- Principles and practices of administration, supervision, and training.
- Budget preparation and control.
- Organization of instructional systems, which include curriculum, instruction, and assessment programs.
- General personnel administration practices.
- Principles, theories and practices of coherent curriculum, effective instructional practices, comprehensive assessments, effective professional development, and continuous school and district improvement.
- Current accountability and instructional state initiatives.
- Public speaking and group facilitation techniques.
- Writing skills for effective communications as well as securing grants and other fund generating documents.
- Interpersonal skills using tact, patience, and professionalism.
- Possesses good understanding of the state funding model.
- Common Core State Standards, instructional and special programs.

ABILITY TO:

- Plan, organize, implement and control a variety of assigned programs and services to deliver services to students.
- Lead group meetings and collaborative decision process

- Interpret and apply os State Education Code and various regulatory agencies.
- Assemble and analyze data and make appropriate recommendations.
- Plan, prepare and implement innovative actions
- Prepare and make clear and concise written and oral reports and presentations, train, supervised and evaluate personnel
- Prepare and deliver oral presentations
- Prioritize and schedule work
- Interpret, apply and explain complex rules, regulations, requirements and restrictions.
- Maintain current knowledge of program rules, regulations, requirements, and restrictions.
- Analyze complex situations accurately and adopt an effective course of action.
- Utilize strong time management skills.
- Maintain unquestionable personal and professional standards.

EDUCATION AND EXPERIENCE:

- Demonstrate success as an education leader
- Sound knowledge of K-8 curriculum and instruction
- Experience as a teacher and site administrator
- Experience as a district/central office administrator
- Understanding of personnel, business, finance, facilities, special education and the legislative process
- Understanding of independent and charter school programming
- Sound knowledge of current technology practices
- Master Degree, Doctoral degree is desirable

LICENSES AND OTHER REQUIREMENTS:

- Valid California Administrative Services Credential required or equivalent.
- Valid appropriate California Teaching credential required.
- Valid California driver's license or equivalent required.

ENVIRONMENT:

- Office environment
- Subject to driving to conduct work

PHYSICAL DEMANDS:

- Move hands and fingers to operate equipment, a computer keyboard, and manipulate paper.
- Hear and speak to make presentations and to exchange information in person and/or on the telephone
- See to read a variety of materials, to prepare document and reports, and to observe students
- Sit or stand for extended periods of time
- Work at a desk, conference table, small student classroom table, or in meetings in various configurations.
- Hear and understand speech at normal levels.
- Kneel, bend at their waist or crouch.
- Lift objects weighing up to 25 pounds.

MESA UNIION SCHOOL DISTRICT

CLASS TITLE: K-8 ASSISTANT PRINCIPAL

BASIC FUNCTION:

Under the direction of the Superintendent/principal, the Assistant Principal, K-8 serves as an instructional leader in the planning, coordination, and administration of school activities and programs, including curriculum, instruction, assessment, student conduct and attendance and extracurricular programs, school plant operations, and the supervision of evaluations of assigned personnel.

REPRESENTIVTIVE DUTIES:

- Assists in the planning, development, organization, coordination, and supervision of instructional programs and activities; effectively implements district approved curriculum.
- Assists the Superintendent/principal in the development, implementation, and evaluation of efforts related to improving student academic achievement; helps ensure that the school meets or makes satisfactory progress toward achievement goals.
- Assists in the devlopment, implementation, and evaluaton of intervention programs that address the needs of at-risk students.
- Plans, organizes, coordinates, participates in, and provides leadership for programs and activities related to the operation of Mesa Union K-8 School.
- Performs a variety of adminstrative duties to asstist the Superintendent/principal in managing the school; assumes the duties of the Principal in the absense of the Superintendent/principal and as assigned.
- Assists the Superintendent/principal in providing instructional leadership to the school.
- Assists in providing leadership to professional staff in determining objectives and identifying school needs as the basis for developing short and long range plans for the school.
- Serves on educational committees with students, parents, and/or staff in order to continuallly improve learning experiences for students and to enhance home-school communications.
- Supervises and evaluates the performance of designated certificated and/or classified personnel; assigns duties to faculty and staff as appropriate to meet school objectives; assists with the recruiting, interviewing and selection of new faculty and staff.
- Relates to students with mutual respect while carrying out a positive and effective disciplinary program; develops and administers disciplinary procedures in accordance with district policies and state laws; receives referrals and confers with students, parents, teachers, community agencies, and law enforcement, responds to and resolves parent, student, and staff concerns/complaints; serves on discipline or expulsion panels as assigned.
- Supervises students on campus before and after school; monitors students during lunch; recess, passing periods, and other activities; instructs students in appropriate behavior; disciplines students in acccordance with established guidelines.
- Maintains effective community relations, assists in communication to parents all phases of the school's educational, extracurricular, and atheletic programs, assists the Superintendent/principal in carrying out a program of community relations; develops correspondence to promote school activities and achievements.
- Monitors and organizes attendance functions; prepares letters and calls parents as needed regarding absent or tardy students; provides leadership for attendance improvement efforts.

- Provides direction to a variety of staff and student programs and services; participates in formal and informal classroom visitations and observations; provides recommendations and suggestions for improvement as appropriate.
- Provides direction to and coordination of the school's guidance and counseling services; assures programs and services meet established objectives and requirements; participates in Individual Education Plan meetings and Student Study Teams, acts as a liaison to the psychologist(s) and nurse(s) assigned to the school.
- Coordinates the afterschool program in collaboration with school staff and/or personnel from outside agencies.
- Participates in the development of the master calendar and master schedule of the school; assures calendars and schedules meet state requirements; works with staff to develop and distribute calendar and schedule information to students and families.
- Supervises, schedules, and organizes student government, extracurricular activities, the student athletic program, and other competative or peformance programs and events. Supervises activities, including evening activities as assigned. Works with other staff and/or community members to plan and carry out the school's athletic program as appropriate. Publicizes opportunities for student involvement of students and parents, and actively recruits student participants.
- Coordinates field trips with teachers; ensures that related paperwork has been submitted to the district office in a timely manner, ensures that transportation requirements and other safety-related requirements have been met.
- Attends meetings of parent and other groups; provides supervision for afternoon and evening activities.
- Provides management of the physical plant in collaboration with other district staff, including work orders, custodial/maintenance work, and distribution of control of building keys.
- Works the the Superintendent/principal to establish a safe and secure learning environment for students; Develops plan for emergency situations in collaboration with other adminstrators, staff, and community public safety agencies; directs the work of campus supervisors; plans and debriefs emergency drills, updates the school safety plan.
- Assists with developing and monitoring the school's financial resources; orders supplies as needed.
- Participates in the adminstrative meetings and trainings to improve adminstrative skills; maintanis current knowledge of the district's adopted curriculum.

OTHER DUTIES:

- Performs other duties as assigned to support the overall objective of the position.

KNOWLEDGE AND ABILITIES:

- Basic knowledge of comprehensive ogranization, activities, goals and objectives of a K-8 school.
- Working knowledge of school law administration and applicable sections of the State Education Code and other applicable laws.
- Knowledge of instructional standards and faculty requirements
- Understanding of Board and District policies, procedures, and regulations.
- Posses interpersonnel skills using tact, patience, and courtesy.
- Ability to effectively communicate orallly and in written form
- Ability to use technology

ABILITY TO:

- Establish and maintain productive, collaborative relationships with others.
- Model district standards of ethics, confidentiatility, and professionalism
- Meet schedules and deadlines

- Plan and organize work
- Analyze and interpret assessment results for the purpose of designing and modifying instruction
- Follow through with directives
- Perform a wide variety of specialized tasks; interpret and apply rules and regulations as appropriate.
- Apply knowledge of school law and district policy
- Operate office equipment including a computer with a variety of software related to job requirements
- Apply knowledge of best practices in curriculum, instruction, and assessment, and methods of supporting and extending instruction and student learning.
- Create an enviroment where childeren from diverse backgrounds are comfortable and experience success.
- Build relationships with families
- Complete work before deadlines despite constant interruptions.
- Read, interpret, apply, and explain rules, regulations, policies, and procedures.
- Maintain consistent, punctual, and regular attendance.
- Demonstrate knowledge of correct English grammar and usage.
- Prepare and deliver oral presentations to groups.
- Define problems, collect data, establish facts, and draw valid conclusions.
- Maintain a safe and orderly learning environment.
- Use effective interpersonal skills including tact, patience, and courtsey.

EDUCATIONAL AND EXPERIENCE:

- Valid California credential authorizing service as an administrator, or eligibility for an administrative credential. Valid California teaching credential.
- Minimum of three years of classroom teaching experience.
- Energetic and positive approach to responsibilities.
- Drive to attain results; proven experience and effectiveness in improving student achievement in classroom and/or school.
- Ability to withstand stress, has a positive attitude; demonstrates compassion.
- Self-motivated; able to accept criticism and grow as a result.
- Strong communication and organzational skills.
- Valid California's drivers' license and ability to drive a car to perfom job requirements.

ENVIRONMENT:

Office environment, constant interuptions, driving a vehicle to conduct work, evening or variable hours.

PHYSICAL DEMANDS:

- Move hands and fingers to operate equipment, a computer keyboard, and manipulate paper.
- Hear and speak to make presentations and to exchange information in person and/or on the telephone
- See to read a variety of materials, to prepare document and reports, and to observe students.
- Sit or stand for extended periods of time
- Work at a desk, conference table, small student classrooom table, or in meetings in various configurations.
- Hear and understand speech at normal levels.
- Kneel, bend at ther waist or crouch.
- Lift objects weighing up to 25 pounds.

MESA UNION SCHOOL DISTRICT

CLASS TITLE: PARAPROFESSIONAL -SPECIAL EDUCATION, SPECIAL DAY CLASS

BASIC FUNCTION:

Under the direction of an assigned supervisor, provides group and individual instruction and clerical support to teachers in classroom settings, assisting individuals or small groups of students to enhance learning. Assist teachers with instruction of students with mild to moderate disabilities.

The instructional Assistant Special Education, SDC provides instructional assistance to classrooms where activities focus on assisting students with mild to moderate special needs, including students experiencing emotional or behavior disorders or difficulties.

REPRESENTATIVE DUTIES:

ESSENTIAL DUTIES:

- Assists certificated staff with presentations of learning materials and instructional activities. Assists in conducting lessons and with other classroom activities such as projects, small group exercises, and independent study.
- Prepares for, and assists with classroom or learning lab projects and special assignments. Organizes materials and supplies to facilitate use by students, assists students requiring help, offers positive feedback and alternatives, and cleans up work areas following projects.
- Reinforces instructions given by teachers in reading, spelling, math, occupational, and other subjects. Performs demonstrates and illustrations of subjects taught.
- Maintain a positive working environment for individuals or small groups of students reinforcing behavior modification strategies as directed by the teaching staff and/or program specialist
- Assists in maintaining order among students in the classroom and school grounds. Supervises student behavior in the classroom, school grounds and gathering areas, field trips, and special events.
- Accompanies students going from one location to another. Observes, monitors, and controls behavior of students within approved and procedures.
- Reports student academic and behavior progress and performance to teachers. Documents student progress by correcting assignments, collecting data and recording and charting functional curriculum based measurements.
- Assists with preparation/modification of instructional and testing materials. Suggests and may prepare materials that offer alternative approach to facilitate student learning.
- Confers, as needed, with teachers concerning student needs. Alert teacher to any special problems or information concerning students. Assists teachers and resource staff, to develop and evaluate individual and group educational goals and objectives.
- Assists and guides students by appropriate role modeling, emotional support, patience, and friendly, engaging attitude.
- Develops and uses incentives as positive reinforcement. Exercises constant classroom supervision of students. Assess the need for, and used appropriate discipline in accordance with grade level and student's ability to understand discipline.

- Prepares display and bulletin board materials in the classroom environment. Assists in maintaining a neat, orderly, and attractive learning environment that supports learning.
- Operate audiovisual equipment, computers, and other equipment that serves to assist and enhance instructional programs.
- Assist with loading and unloading of students onto buses and/or public transportation.
- Assist with students with hygiene, toileting, diapering, and/or catheterization.
- May take student temperatures, administer first aid, and provide basic nursing care authorized by a school nurse
- May carry out the instructions of a supervising certificated employee to implement special physical handling, care, or exercises prescribed by doctors, nurses, or therapists as trained by appropriate staff.

OTHER DUTIES:

- Performs other duties as assigned that support the overall objective of the position.

KNOWLEDGE AND ABILITIES:

- Basic knowledge of the principles and practices of age appropriate student development and guidance applicable for an education setting, including those relating to special education dealing with severe emotional challenges and a variety of learning abilities.
- Working knowledge of the basic subjects taught in the District, including math grammar, spelling, language, reading, and/or functional curriculum with sufficient competency to assist students with individual or group studies.
- Behavior modifications techniques and strategies.
- Basic knowledge of teaching, instruction, and behavioral management methods that embrace remedial learning.
- Basic clerical and record keeping processes
- Special Education Programs
- Basic knowledge of personal computers and other equipment to support learning, record information, and send communications.
- Sufficient human relation skills to work productively and cooperatively with teachers, students, and parents in formal and informal settings, to exercise patience when conveying information, and demonstrate sensitivity to the special needs of students.

ABILITY TO:

- Maintain confidentiality of privileged information
- Assist certificated staff with implementation of instructional goals and activities
- Assist certificated staff with assessing the needs of individual students and assist in developing programs to meet those needs
- Ability to modify assignments for individual needs of students inside and outside the classroom environment
- Effectively handle sudden emotional swings of students
- Assist in teaching and modeling appropriate social skills
- Interact with teachers and specialists in order to carry out assigned duties
- Oversee students and perform general clerical tasks

- Provide cafeteria supervision, assist students with lunch trays, opening and closing containers, and general cleaning
- Make informal presentations to individual and small groups of students and assist with or reinforce demonstrations of assigned subject matter to classroom-sized group

- Establish positive communications with students and maintain patience and tact in working with students with special physical and emotional need.
- Recognize and respond to emergency and hazards conditions
- Read, write and communicate in English
- Learn special education instructional terminology, program concepts, materials, methods, and procedures
- Perform indoors in an office and/or classroom environment engaged in work of primarily a sedentary to moderately active nature.

EDUCATION AND EXPERIENCE:

Any combination equivalent to graduation from high school and experience in a special education setting is highly desirable.

Valid California driver's license

CPR and First Aid Certificate and other health related training as needed provided by an authorized agency

EPI Training

Ability to participate in ongoing professional development and training

ENVIRONMENT:

Work is performed indoors and outdoors with some, yet infrequent exposure to health and safety considerations to include potential exposure to foul smells, body fluids and dissatisfied or offensive individuals.

PHYSICAL DEMANDS:

- Visual acuity to read and write printed materials and computer screens.
- Hearing and speech ability for ordinary and telephonic conversations, to speak to groups, and to hear sound prompts from equipment.
- Ambulatory ability to move about the school setting.
- Sufficient manual and finger dexterity to demonstrate teaching aids, to point out important words/figures to students, and to operate personal computers.
- Lift, carry, push, and move supplies, fixtures, etc., of light-to-medium weight (under 50 pounds) on a regular basis and heavy weight (under 75 pounds) without labor saving equipment on an intermittent basis.'
- Lift, carry, transfer and push students in wheelchairs or students with orthopedic impairment.